

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 * * *

5 DAMIAN MICHAEL GONZALES,

6 Petitioner,

7 v.

8 RENEE BAKER, et al.,

9 Respondents.

Case No. 3:18-cv-00058-MMD-CBC

ORDER

10 Petitioner has filed a first amended petition (ECF No. 21). The Court has reviewed
11 it under Rule 4 of the Rules Governing Section 2254 Cases in the United States District
12 Courts. The Court will direct Respondents to respond to the first amended petition.

13 It is therefore ordered that Respondents will have 60 days from the date of entry
14 of this order to answer or otherwise respond to the first amended petition (ECF No. 21).
15 Respondents must raise all potential affirmative defenses in an initial motion to dismiss,
16 including untimeliness, lack of exhaustion, and procedural default. The Court will not
17 entertain successive motions to dismiss.

18 It is further ordered that if Respondents file and serve an answer, then they must
19 comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States
20 District Courts. Petitioner then will have 45 days from the date on which the answer is
21 served to file a reply.

22 It is further ordered that if Respondents file and serve a motion, then Petitioner will
23 have 45 days from the date of service of the motion to file a response to the motion.
24 Respondents then will have 21 days from the date of service of the response to file a
25 reply.

26 DATED THIS 27th day of June 2019.

27 

28

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE