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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAMIAN MICHAEL GONZALES,

Petitioner,

v.

RENEE BAKER, *et al.*,

Respondents.

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

ORDER

Petitioner has submitted an application to proceed *in forma pauperis* (ECF No. 6) and a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court finds that Petitioner is unable to pay the filing fee.

Petitioner also has submitted a motion for appointment of counsel (ECF No. 7). Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 6) is granted. Petitioner need not pay the filing fee of five dollars (\$5.00).

It is further ordered that the Clerk of the Court file the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

It is further ordered that Petitioner's motion for appointment of counsel (ECF No. 7) is granted. The Federal Public Defender is provisionally appointed to represent Petitioner.

It is further ordered that the Federal Public Defender shall have thirty (30) days from the date that this order is entered to undertake direct representation of Petitioner or to indicate to the Court his inability to represent Petitioner in these proceedings. If the Federal

1 Public Defender does undertake representation of Petitioner, he will then have sixty (60)  
2 days to file an amended petition for a writ of habeas corpus. If the Federal Public Defender  
3 is unable to represent Petitioner, then the Court shall appoint alternate counsel.

4 It is further ordered that neither the foregoing deadline nor any extension thereof  
5 signifies or will signify any implied finding of a basis for tolling during the time period  
6 established. Petitioner at all times remains responsible for calculating the running of the  
7 federal limitation period under 28 U.S.C. § 2244(d)(1) and timely asserting claims.


8 It is further ordered that the Clerk of the Court add Adam Paul Laxalt, Attorney  
9 General for the State of Nevada, as counsel for Respondents.

10 It is further ordered that the Clerk of the Court electronically serve both the Attorney  
11 General of the State of Nevada and the Federal Public Defender a copy of the petition and  
12 a copy of this Order.

13 It is further ordered that Respondents' counsel must enter a notice of appearance  
14 within twenty (20) days of entry of this Order, but no further response will be required from  
15 Respondents until further order of the Court.

16 It is further ordered that, notwithstanding Local Rule LR IC 2-2(g) paper copies of  
17 any electronically filed exhibits need not be provided to chambers or to the staff attorney,  
18 unless later directed by the Court.

19 DATED THIS 25<sup>th</sup> day of June 2018.

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23 MIRANDA M. DU  
24 UNITED STATES DISTRICT JUDGE  
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