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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARC ANTHONY COLON,

Case No. 3:18-cv-00490-MMD-CBC

Petitioner,

ORDER

v.

R. BAKER, et al.,

Respondents.

Petitioner has filed a motion for appointment of counsel (ECF No. 2), a request for extension of time to submit payment (ECF No. 6), and an application to proceed in forma pauperis (ECF No. 8). Petitioner has also paid the filing fee (ECF No. 7), which makes the application moot. Nonetheless, Petitioner cannot afford counsel, and the issues presented in his case warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

It is therefore ordered that Petitioner's request for extension of time to submit payment (ECF No. 6) is granted.

It is further ordered that Petitioner's application to proceed in forma pauperis (ECF No. 8) is denied as moot.

It is further ordered that the Clerk of Court file the petition for a writ of habeas corpus.

It is further ordered that that Petitioner's motion for appointment of counsel (ECF No. 2) is granted. The Federal Public Defender is provisionally appointed to represent Petitioner.

It is further ordered that the Federal Public Defender must, within 30 days from the date that this order is entered, undertake direct representation of Petitioner, or indicate to the Court his inability to represent Petitioner in these proceedings. If the Federal Public Defender does undertake representation of Petitioner, he will then have 60 days to file an

1 amended petition for a writ of habeas corpus, if desired. If the Federal Public Defender is  
2 unable to represent Petitioner, then the Court will appoint alternate counsel.

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

7 It is further ordered that the clerk add Aaron Ford, Attorney General for the State of  
8 Nevada, as counsel for Respondents.


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

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

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

18 DATED THIS 22<sup>nd</sup> day of April 2019.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE