

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

GREGORY McKNIGHT

Petitioner,

-vs-

DAVID BOBBY, Warden,

Respondent.

:

Case No. 2:09-cv-059

:

Chief Judge Susan J. Dlott
Magistrate Judge Michael R. Merz

:

ORDER FOR ANSWER

This capital habeas corpus case is before the Court on McKnight's filing of an Amended Petition (Doc. No. 101), Chief Judge Dlott having overruled Respondent's Objections (Doc. No. 92).

It is hereby ordered that Respondent file an answer to the Amended Petition not later than March 1, 2013, conforming to the requirements of Rule 5 of the Rules Governing §2254 Cases. Specifically, said answer shall respond to each allegation made in the Petition, raise any affirmative defense relied on by Respondent, and state whether, from Respondent's perspective, any claim in the Petition is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, or a statute of limitations.

Before filing the answer, the Respondent shall file those portions of the state court record needed to adjudicate this case, accompanied by an index of the documents in the record. Portions of the record previously filed must be refilled electronically as required by S.D. Ohio Civ. R. 5.1(c). When the record is filed electronically, the Court's CM/ECF filing system will

affix a unique PageID number to each page of the record, displayed in the upper right-hand corner of the page. All papers filed in the case thereafter, by either party, including the answer and the exhibit index, shall include record references to the PageID number. Prior to filing the state court record, the Warden's counsel shall ensure that any borders on parts of the record (typically, court reporter transcripts) do not obscure the PageID number when the page is filed.

Petitioner may, not later than twenty-one days after the answer is filed, file and serve a reply to the answer. At the same time as the reply is filed, Petitioner shall file a motion for any discovery related to the newly-added grounds for relief.

January 28, 2013.

s/ *Michael R. Merz*
United States Magistrate Judge