

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

ROBERT BETHEL,

Petitioner,

-vs-

DAVID BOBBY, Warden,

Respondent.

:

Case No. 2:10-cv-391

:

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

:

SCHEDULING ORDER

On September 6, 2012, the parties in this habeas corpus case were ordered to file their joint report under Fed. R. Civ. P. 26 not later than September 17, 2012. In the subsequently filed Report (Doc. No. 38), the parties agreed that Respondent's Answer/Return of Writ and Appendix would be filed no later than one hundred twenty days after Petitioner filed his Amended Petition. (Doc. No. 38.) Therefore,

1. Petitioner having filed his Amended Petition (Doc. No. 48) on March 4, 2013, Respondent's Answer/Return of Writ and Appendix shall be filed no later than July 2, 2013. Before filing the answer, 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. 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.

2. Petitioner's Reply/Traverse shall be filed no later than one hundred twenty days after Respondent files his Answer/Return of Writ.
3. All pre-evidentiary hearing motions for discovery shall be filed no later than sixty days after Respondent files his Answer/Return of Writ.
4. Any motion for an evidentiary hearing shall be filed no later than thirty days after Petitioner files such Reply/Traverse.

March 6, 2013.

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