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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 JEFFERY M. KINZLE ,

9 Petitioner,

Case No. C14-703-JCC-JPD

10 v.

11 MIKE OBENLAND,

12 Respondent.

ORDER GRANTING PETITIONER'S  
MOTION FOR LEAVE TO FILE THIRD  
AMENDED PETITION

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14 This is a federal habeas action brought under 28 U.S.C. § 2254. This matter comes  
15 before the Court at the present time on petitioner's motion for leave to file a third amended  
16 petition for writ of habeas corpus. (Dkt. 59.) Respondent has indicated he does not oppose  
17 petitioner's motion. (Dkt. 62.) The Court, having reviewed petitioner's motion, respondent's  
18 response thereto, and the balance of the record, hereby ORDERS as follows:

19 (1) Petitioner's motion for leave to file a third amended petition for writ of habeas  
20 corpus (Dkt. 59) is GRANTED.

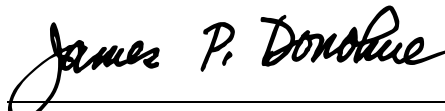
21 (2) Respondent is directed to file and serve an answer to petitioner's third amended  
22 petition no later than **January 7, 2019**. As part of such answer, respondent shall state whether

23 ORDER GRANTING PETITIONER'S  
MOTION FOR LEAVE TO FILE  
THIRD AMENDED PETITION - 1

1 petitioner has exhausted available state remedies and whether an evidentiary hearing is  
2 necessary. The answer will be treated in accordance with LCR 7. Accordingly, on the face of  
3 the answer, respondent shall note it for consideration on the fourth Friday after filing. Petitioner  
4 may file and serve a response not later than the Monday immediately preceding the Friday  
5 designated for consideration of the matter, and respondent may file and serve a reply not later  
6 than the Friday designated for consideration of the matter.

7 (3) The Clerk is directed to send copies of this Order to all counsel of record and to  
8 the Honorable John C. Coughenour.

9 DATED this 5th day of November, 2018.

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12 JAMES P. DONOHUE  
13 United States Magistrate Judge  
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