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

9 IVORY BERUBE,

10 Petitioner,

11 v.

12 JEFFREY UTTECHT,

13 Respondent.

CASE NO. C17-288 RSM-BAT

ORDER FOR SERVICE § 2254
PETITION, ANSWER, AND
APPOINTMENT OF COUNSEL

14 This is a federal habeas action filed under 28 U.S.C. § 2254. The Court having reviewed
15 Petitioner's amended federal habeas petition, hereby finds and **ORDERS:**

16 (1) Service

17 The Clerk shall arrange for service by certified mail on Respondent and on the Attorney
18 General of the State of Washington, copies of the amended petition (Dkt. 8), all documents in
19 support thereof, and this Order.

20 (2) Appointment of the Federal Public Defender

21 The Court **appoints the Federal Public Defender for the Western District of**
22 **Washington (FPD) as counsel for the Petitioner.** The Clerk shall provide copies of the
23 petition, and this Order to: Michael Filipovic, Federal Public Defender, Federal Public

1 Defender's Office, 1601 Fifth Avenue, Suite 700, Seattle, Washington 98101. The FPD shall
2 confer with Petitioner. The Court's order of appointment will stand unless the FPD informs the
3 Court by **May 8, 2017** that Petitioner objects to the Court's order appointing the FPD and
4 requests the appointment order be rescinded.

5 (3) Answer

6 Within **sixty three (63)** days after service, the Respondent shall file and serve an answer
7 in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District
8 Courts. As part of such answer, Respondent shall state whether Petitioner has exhausted
9 available state remedies and whether an evidentiary hearing is necessary. Respondent shall not
10 file a dispositive motion in place of an answer without first showing cause as to why an answer is
11 inadequate.

12 (4) Noting Answer

13 The answer will be treated in accordance with LCR 7. Accordingly, on the face of the
14 answer, Respondent shall note it for consideration on the fourth Friday after filing. Petitioner's
15 response and Respondent's reply shall be filed as set forth in LCR 7(d).

16 (5) Filing by Parties

17 All attorneys admitted to practice before this Court must file documents electronically via
18 the Court's CM/ECF system. All filings must indicate in the upper right hand corner the name of
19 the magistrate judge to whom the document is directed.

20 The parties are advised that when the total of all pages of a filing exceeds fifty (50) pages
21 in length, a paper copy of the document (with tabs or other organizing aids as necessary) shall be
22 delivered to the Clerk's Office for chambers. The chambers copy must be clearly marked with
23 the words "Courtesy Copy of Electronic Filing for Chambers."

1 (6) Motions

2 Any request for court action shall be set forth in a motion, properly filed and served in
3 accordance with LCR 7.

4 (7) Direct Communications with District Judge or Magistrate Judge

5 No direct communication is to take place with the District Judge or Magistrate Judge with
6 regard to this case. All relevant information and papers shall be directed to the Clerk.

7 Dated this 17th day of April, 2017.

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10 BRIAN A. TSUCHIDA
11 United States Magistrate Judge