

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VINCENT PAUL MELENDREZ,

Petitioner,

V.

MARGARET GILBERT,

### Respondent.

CASE NO. C17-984 RAJ-BAT

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

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

(1) Service

The Clerk shall arrange for service by certified mail on Respondent and on the Attorney General of the State of Washington, copies of the petition, all documents in support thereof (including Petitioner's proposed supplemental brief (Dkt. 4)), and this Order.

(2) Appointment of the Federal Public Defender

**The Court appoints the Federal Public Defender for the Western District of Washington (FPD) as counsel for the Petitioner.** The Clerk shall provide copies of the

1 petition, and this Order to: Michael Filipovic, Federal Public Defender, Federal Public  
2 Defender's Office, 1601 Fifth Avenue, Suite 700, Seattle, Washington 98101.

3 (3) Answer

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

10 (4) Noting Answer

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

14 (5) Filing by Parties

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

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

22 (6) Motions

23 Any request for court action shall be set forth in a motion, properly filed and served in

1 || accordance with LCR 7.

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

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

5 Dated this 11th day of July, 2016.

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8 BRIAN A. TSUCHIDA  
9 United States Magistrate Judge