

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JOSEPH NJUGUNA NJONGE,

10 Petitioner,

11 v.

12 MARGARET GILBERT,

13 Respondent.

CASE NO. C17-1035 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 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 petition, all documents in support thereof, and
19 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
Defender's Office, 1601 Fifth Avenue, Suite 700, Seattle, Washington 98101.

(3) Answer

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

(4) Noting Answer

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

(5) Filing by Parties

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

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

(6) Motions

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.

6
7 

8 BRIAN A. TSUCHIDA
United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23