Pena v. Uttech
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT D. PENA,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

Case No. C17-1918-RSM-MAT

ORDER ON MOTION TO STAY AND APPOINT COUNSEL

This is a 28 U.S.C. § 2254 habeas action. Respondent's answer to petitioner's habeas petition is currently noted for October 26, 2018. (*See* Dkt. 29.) On September 28, 2018, petitioner filed a motion to stay these proceedings and appoint counsel. (Dkt. 31.) With respect to the motion to stay, petitioner essentially asks for an extension of time because he has been separated from his legal materials for approximately 60 days. Respondent does not oppose this request. (Dkt. 32.) With respect to the motion for appointment of counsel, petitioner asks the Court to revisit its August 15, 2018 order denying petitioner's request for appointment of counsel. Respondent asserts that the interests of justice do not support the appointment of counsel in this case. Having considered the foregoing and the balance of the record, the Court finds and ORDERS:

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(1) The Court construes petitioner's request for a stay as a motion for extension of time, which the Court GRANTS. (Dkt. 31.) The Clerk is directed to RE-NOTE respondent's answer for January 25, 2019. Petitioner shall file his response on or before **January 21, 2019**, and respondent may file a reply by the noting date.

(2) For the same reasons stated in the August 15, 2018 order (Dkt. 29), the Court DENIES petitioner's second motion for appointment of counsel (Dkt. 31).

(3) The Clerk is directed to send copies of this order to the parties and to the Honorable Ricardo S. Martinez.

Dated this 24th day of October, 2018.

Mary Alice Theiler
United States Magistrate Judge