

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

8 ROBERT E. JACKSON,

9 Petitioner,

10 v.

11 ERIC JACKSON,

12 Respondent.

CASE NO. 3:16-cv-06063-RJB-BAT

**ORDER GRANTING MOTION TO  
FILE AMENDED PETITION AND  
DIRECTING SERVICE AND  
ANSWER, § 2254 PETITION**

13 This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner moves for leave  
14 to file an Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. Dkt. 39.

15 Respondent has not filed any opposition to the motion. The Court, having reviewed petitioner's  
16 federal habeas petition, hereby finds and **ORDERS** as follows:

17 (1) The Court **GRANTS** the motion to file an Amended Petition for Writ of Habeas  
18 Corpus under 28 U.S.C. § 2254. Dkt. 39. The Amended Petition replaces the original petition  
19 entirely and the Court will only consider the claims in the Amended Petition.

20 (2) The Clerk shall arrange for service *by e-mail*: a copy of plaintiff's amended  
21 habeas petition and attachments to the Washington State Attorney General's Office,

22 (3) By **January 15, 2021**, Respondent shall file and serve an answer in accordance  
23 with Rule 5 of the Rules Governing Section 2254 Cases in United States District Courts. As part

ORDER GRANTING MOTION TO FILE  
AMENDED PETITION AND DIRECTING  
SERVICE AND ANSWER, § 2254 PETITION

1 of such answer, respondent shall state whether petitioner has exhausted available state remedies  
2 and whether an evidentiary hearing is necessary. Respondent shall not file a dispositive motion  
3 in place of an answer without first showing cause as to why an answer is inadequate.

4 Respondent shall file the answer with the Clerk of the Court and serve a copy of the answer on  
5 petitioner.

6 (3) The answer will be treated in accordance with LCR 7. Accordingly, on the face  
7 of the answer, respondent shall note it for consideration on the fourth Friday after filing.

8 Petitioner may file and serve a response not later than the Monday immediately preceding the  
9 Friday designated for consideration of the matter, and respondent may file and serve a reply not  
10 later than the Friday designated for consideration of the matter.

11 (4) Filing by Parties, Generally

12 All attorneys admitted to practice before this Court are required to file documents  
13 electronically via the Court's CM/ECF system. All non-attorneys, such as *pro se* parties and/or  
14 prisoners, may continue to file a paper original with the Clerk. All filings, whether filed  
15 electronically or in traditional paper format, must indicate in the upper right-hand corner the  
16 name of the magistrate judge to whom the document is directed.

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

21 Any document filed with the Court must be accompanied by proof that it has been served  
22 upon all parties that have entered a notice of appearance in the underlying matter.

1 (5) Motions

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

3 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
4 part of the motion itself and not in a separate document. The motion shall include in its caption  
5 (immediately below the title of the motion) a designation of the date the motion is to be noted for  
6 consideration on the Court's motion calendar.

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

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

10 DATED this 30<sup>th</sup> day of November, 2020.

11  
12   
13 \_\_\_\_\_  
14 BRIAN A. TSUCHIDA  
15 Chief United States Magistrate Judge  
16  
17  
18  
19  
20  
21  
22  
23