UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARYL ROGERS,

Petitioner,

v.

RONALD HAYNES,

Respondent.

Case No. C22-05367-LK-SKV

ORDER GRANTING PETITIONER'S REQUEST TO FILE AMENDED RESPONSE TO ANSWER

This is a federal habeas action proceeding under 28 U.S.C. § 2254. Respondent has filed an answer to the federal habeas petition. Dkt. 7. On August 18, 2022, Petitioner filed a response to the answer. Dkt. 11. On August 29, 2022, Petitioner filed a document entitled "request to file supplemental response motion to respondent[']s answer" along with a 165 page attachment which appears to be a new or amended response to Respondent's answer. Dkt. 12. Petitioner requests that this filing be considered "in place of" his previously filed August 18, 2022, response to the answer. *Id.* Petitioner's request was not docketed as a motion and Respondent has not responded to the request. Respondent has also not filed a reply to either Petitioner's

original response to the answer, Dkt. 11, or to the document Petitioner filed as a replacement for, or amendment to, the original response to the answer, Dkt. 12.[1]

Accordingly, for the sake of clarity, the Court hereby orders:

(1) Petitioner's "request to file supplemental response motion to respondent[']s answer" is GRANTED and the Court will consider Petitioner's filing, Dkt. 12, as an amended response to the answer and to constitute a complete replacement for Petitioner's original response to Respondent's answer, Dkt. 11.

(2) Respondent may file a reply to Petitioner's amended response to the answer, Dkt. 12, by **September 23, 2022**.

(3) The Clerk is directed to re-note the Respondent's answer, Dkt. 7, to **September 23, 2022**.

(4) The Clerk is directed to send copies of this order to the parties and to the Honorable Lauren King.

Dated this 16th day of September, 2022.

S. KATE VAUGHAN
United States Magistrate Judge

[1] The Court notes it is unclear whether Respondent was waiting for the Court to rule on Petitioner's request prior to filing a reply.