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6   UNITED STATES DISTRICT COURT
                          WESTERN DISTRICT OF WASHINGTON
7   AT TACOMA

8   JOHN BENTON RAGLAND,

9   Petitioner,   Case No. C23-5574-MJP-MLP

10   v.

11   JASON BENNETT,   ORDER DIRECTING RESPONDENT TO
                                                    FILE A REPLY TO PETITIONER'S
                                                    RESPONSE
12   Respondent.

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14   This is a federal habeas action brought under 28 U.S.C. § 2254. Petitioner submitted his

15   federal habeas petition to the Court for filing on June 28, 2023. (Dkt. # 1.) The petition was

16   thereafter ordered served on Respondent, and Respondent was directed to file an answer to the

17   petition. (Dkt. # 6.) Respondent filed his answer to the petition on October 9, 2023. (Dkt. # 12.)

18   He argues therein that Petitioner's petition is untimely under 28 U.S.C. § 2244(d) and should be

19   dismissed on that basis. (*Id*.) On January 8, 2024, Petitioner filed a response to Respondent's

20   answer in which he argues that he is entitled to equitable tolling of the limitations period. (Dkt.

21   # 16.)

22   Though Respondent presented in his answer to the petition arguments pertaining to

23   equitable tolling arguments he anticipated Petitioner might make, Respondent has not addressed

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the specific equitable tolling arguments set forth by Petitioner in his response. (*See* dkt. # 12 at 12-15.) Respondent had the opportunity to file a reply brief in support of his answer in which he might have presented arguments addressing Petitioner's equitable tolling arguments, but he elected not to do so. However, a reply brief from Respondent addressing Petitioner's equitable tolling arguments would aid the Court in its resolution of Petitioner's federal habeas petition.

Accordingly, the Court ORDERS as follows:

(1)   Respondent shall file a reply brief addressing Petitioner's equitable tolling arguments not later than ***March 1, 2024***. Respondent's answer (dkt. # 12) is RE-NOTED on the Court's calendar for consideration on that date.

(2)   The Court also observes that page 19 of Petitioner's response to Respondent's answer is missing from the document received by the Court for filing on January 8, 2024. (*See* dkt. # 16.) This omission may be attributable to an error in scanning the document at Petitioner's facility or to Petitioner's failure to include the page in the document he submitted to prison staff for scanning. Regardless of the reason for the omission, Petitioner should be afforded an opportunity to correct it before the Court proceeds to resolution of this action. Petitioner is directed to either submit page 19 of his responsive brief to the Court for inclusion in his previous submission, or to resubmit the response in its entirety, not later than ***March 1, 2024***, the date Respondent's reply brief is due.[1]

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[1] Because it does not appear that the missing page contains any argument regarding equitable tolling, Petitioner need not make this correction before Respondent is tasked with responding to Petitioner's equitable tolling arguments.

1   (3) The Clerk is directed to send copies of this Order to Petitioner, to counsel for

2 Respondent, and to the Honorable Marsha J. Pechman.

3   DATED this 5th day of February, 2024.

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                 MICHELLE L. PETERSON

6   United States Magistrate Judge

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