

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Kendrick L. Williams v. Manuel Portillo, et al.

Case No. 2:25-cv-02468-GMN-EJY · No. 2:25-cv-02468-GMN-EJY · Decided January 9, 2026

SUMMARY

This scheduling order appoints the Federal Public Defender to represent Kendrick L. Williams in his federal habeas proceedings. It establishes deadlines for filing an amended petition, responding to the petition, and raising procedural defenses, and sets requirements for addressing state-court records and exhibits.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Gloria M. Navarro
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 9, 2026
DOCKET	2:25-cv-02468-GMN-EJY
DISPOSITION	other
PROCEDURAL POSTURE	In a federal habeas corpus proceeding under 28 U.S.C. § 2254, the court entered a scheduling order after provisionally appointing the Federal Public Defender and receiving counsel's notice of appearance.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

federal habeas corpus

motions to dismiss

post-conviction relief

civil procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Civil procedure

QUESTIONS PRESENTED

- Whether counsel should be appointed for Williams in the federal habeas proceedings.
- How the parties must present procedural defenses, including exhaustion, in response to any counseled amended petition.

3. What deadlines and filing procedures should govern the amended petition, responsive pleadings, and state-court record exhibits.

HOLDINGS

1. The Federal Public Defender, through Kimberly Sandberg, was appointed to represent Williams in all federal proceedings related to the matter, including appeals and certiorari proceedings, unless permitted to withdraw.
2. Any procedural defenses to the counseled amended habeas petition, including exhaustion, must be raised together in a single consolidated motion to dismiss rather than in successive motions or embedded in an answer; procedural defenses omitted from that motion may be subject to waiver.

FACTUAL BACKGROUND

Williams is pursuing federal habeas relief, and the court determined that appointment of counsel was appropriate. The Federal Public Defender timely accepted representation through a notice of appearance. The court established deadlines for an amended petition and responsive briefing while expressly declining to make any finding concerning the expiration or tolling of the federal limitation period.

PROCEDURAL HISTORY

On December 12, 2025, the court granted Williams's motion for appointment of counsel and provisionally appointed the Federal Public Defender. On January 8, 2026, Kimberly Sandberg, through the Federal Public Defender, filed a notice of appearance. The court then entered this scheduling order governing amendment of the petition, responses, procedural defenses, merits briefing, and filing of state-court records.

DISPOSITION

other

CASES CITED

- Sossa v. Diaz, 729 F.3d 1225, 1235 (9th Cir. 2013)
- Cassett v. Stewart, 406 F.3d 614, 623-24 (9th Cir. 2005)

OPINION

1 2 UNITED STATES DISTRICT COURT 3 DISTRICT OF NEVADA 4 KENDRICK L. WILLIAMS, Case No. 2:25-cv-02468-GMN-EJY 5 Petitioner, SCHEDULING ORDER 6 v. 7 MANUEL PORTILLO, et al., 8 Respondents. 9 10 On December 12, 2025, this Court granted Petitioner Kendrick L. Williams's Motion for 11 Appointment of Counsel, provisionally appointed the Federal Public Defender, and gave the 12 Federal Public Defender 30 days to (1) undertake direct representation of Williams by filing a 13 notice of appearance or (2) indicate the office's inability to represent Williams in these 14 proceedings.

(ECF No. 5.) On January 8, 2026, the Federal Public Defender timely filed a Notice of Appearance. (ECF No. 8.) It is therefore Ordered that the Federal Public Defender, through Kimberly Sandberg, Esq. is appointed as counsel for Williams pursuant to 28 U.S.C. § 3006A(a)(2)(B). Counsel will represent Williams in all federal proceedings related to this matter, including any appeals or certiorari proceedings, unless allowed to withdraw.

It is further Ordered that Williams has up to and including 90 days from entry of this Order within which to file an amended petition and/or seek other appropriate relief. Neither the foregoing deadline nor any extension thereof signifies or will signify any implied finding as to the expiration of the federal limitation period and/or of a basis for tolling during the time period established.

Williams remains responsible for calculating the running of the federal limitation period and timely asserting claims, without regard to any deadlines established or extensions granted herein. That is, by setting a deadline to amend the petition and/or by granting any extension thereof, the Court makes no finding or representation that the petition, any amendments thereto, and/or any claims contained therein are not subject to dismissal as untimely.

See *Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013). It is further Ordered that Respondents shall file a response to the amended petition, including potentially by motion to dismiss, within 60 days of service of an amended petition and that Williams may file a reply thereto within 30 days of service of the answer.

The response and reply time to any motion filed by either party, including a motion to dismiss, shall be governed instead by Local Rule LR 7-2(b). It is further Ordered that any procedural defenses raised by Respondents to the counseled amended petition shall be raised together in a single consolidated motion to dismiss.

In other words, the Court does not wish to address any procedural defenses raised herein either in *seriatim* fashion in multiple successive motions to dismiss or embedded in the answer. Procedural defenses omitted from such motion to dismiss will be subject to potential waiver. Respondents shall not file a response in this case that consolidates their procedural defenses, if any, with their response on the merits, except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly lacking merit.

If Respondents do seek dismissal of unexhausted claims under § 2254(b)(2): (a) they shall do so within the single motion to dismiss not in the answer; and (b) they shall specifically direct their argument to the standard for dismissal under § 2254(b)(2) set forth in *Cassett v. Stewart*, 406 F.3d 614, 623-24 (9th Cir. 2005).

In short, no procedural defenses, including exhaustion, shall be included with the merits in an answer. All procedural defenses, including exhaustion, instead must be raised by motion to

dismiss. 3 It is further Ordered that, in any answer filed on the merits, Respondents shall specifically cite to and address the applicable state court written decision and state court record materials, if any, regarding each claim within the response as to that claim.

6 It is further Ordered that any state court record and related exhibits filed herein by either Williams or Respondents shall be filed with a separate index of exhibits identifying the exhibits 8] by number. The CM/ECF attachments that are filed further shall be identified by the number or 9]/numbers of the exhibits in the attachment. If the exhibits filed will span more than one ECF Number in the record, the first document under each successive ECF Number shall be either 11] another copy of the index, a volume cover page, or some other document serving as a filler, so that exhibit under the ECF Number thereafter will be listed under an attachment number (i.e., Attachment 1, 2, etc.).

14 It is further Ordered that courtesy copies of exhibits shall not be provided. 15 Dated: January 9, 2026 “fh, 16 4 hy — Glo A}. Navarro, Judge 17 United States District Court 18 19 20 21 22 23