

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

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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 15 of Appearance. (ECF No. 8.) 16 It is therefore Ordered that the Federal Public Defender, through Kimberly Sandberg, Esq. 17 is appointed as counsel for Williams pursuant to 18 U.S.C. § 3006A(a)(2)(B). Counsel will 18 represent Williams in all federal proceedings related to this matter, including any appeals or 19 certiorari proceedings, unless allowed to withdraw.

20 It is further Ordered that Williams has up to and including 90 days from entry of this Order 21 within which to file an amended petition and/or seek other appropriate relief. Neither the foregoing 22 deadline nor any extension thereof signifies or will signify any implied finding as to the expiration 23 of the federal limitation period and/or of a basis for tolling during the time period 1 established.

Williams remains responsible for calculating the running of the federal limitation 2 period and timely asserting claims, without regard to any deadlines established or extensions 3 granted herein. That is, by setting a deadline to amend the petition and/or by granting any 4 extension thereof, the Court makes no finding or representation that the petition, any amendments 5 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). 6 It is further Ordered that Respondents shall file a response to the amended petition, 8 including potentially by motion to dismiss, within 60 days of service of an amended petition and 9 that Williams may file a reply thereto within 30 days of service of the answer.

The response and 10 reply time to any motion filed by either party, including a motion to dismiss, shall be governed 11 instead by Local Rule LR 7-2(b). 12 It is further Ordered that any procedural

defenses raised by Respondents to the counseled 13 amended petition shall be raised together in a single consolidated motion to dismiss.

In other 14 words, the Court does not wish to address any procedural defenses raised herein either in seriatum 15 fashion in multiple successive motions to dismiss or embedded in the answer. Procedural defenses 16 omitted from such motion to dismiss will be subject to potential waiver. Respondents shall not 17 file a response in this case that consolidates their procedural defenses, if any, with their response 18 on the merits, except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly 19 lacking merit.

If Respondents do seek dismissal of unexhausted claims under § 2254(b)(2): (a) 20 they shall do so within the single motion to dismiss not in the answer; and (b) they shall specifically 21 direct their argument to the standard for dismissal under § 2254(b)(2) set forth in *Cassett v. 22 Stewart*, 406 F.3d 614, 623-24 (9th Cir. 2005).

In short, no procedural defenses, including 23 1}}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