

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Jacob Alexzander Woods v. Ronald Oliver

Woods · No. 2:25-cv-01765-APG-EJY · Decided December 15, 2025

SUMMARY

This Appointment and Scheduling Order appoints the Federal Public Defender to represent Jacob Alexzander Woods in his federal habeas proceedings. It establishes deadlines for an amended petition, the respondents’ response, and the reply, and sets procedures for raising procedural defenses and filing state-court records and exhibits.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Andrew P. Gordon
DECIDED	December 15, 2025
DOCKET	2:25-cv-01765-APG-EJY
DISPOSITION	other
PROCEDURAL POSTURE	Federal habeas corpus proceeding in which the court appointed counsel for the petitioner and established deadlines for an amended petition, responsive filings, and presentation of procedural defenses.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jacob Alexzander Woods v. Ronald Oliver

TOPICS

- federal habeas corpus
- motions to dismiss
- motion to amend
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure

QUESTIONS PRESENTED

- Whether counsel should be appointed for Woods under 18 U.S.C. § 3006A(a)(2)(B).
- What deadlines and filing procedures should govern an amended federal habeas petition and the respondents' response.

3. How respondents must present procedural defenses, including exhaustion, and whether such defenses must be consolidated in a motion to dismiss rather than embedded in an answer.

HOLDINGS

1. The Federal Public Defender, through Ebise Bayisa and Shelly Richter, is appointed to represent Woods under 18 U.S.C. § 3006A(a)(2)(B) in all federal proceedings related to the matter, including appeals or certiorari proceedings, unless permitted to withdraw.
2. Woods may file an amended petition or seek other appropriate relief within 90 days after entry of the order, but that deadline and any extension do not constitute a finding concerning expiration of the federal limitation period or the availability of tolling.
3. Respondents must raise all procedural defenses to a counseled amended petition together in a single consolidated motion to dismiss; procedural defenses omitted from that motion may be subject to waiver and may not be combined with the merits in an answer, except for dismissal of clearly meritless unexhausted claims under 28 U.S.C. § 2254(b)(2).

KEY QUOTATIONS

“Counsel will represent Woods in all federal proceedings related to this matter, including any appeals or certiorari proceedings, unless allowed to withdraw.” (at 1)

“Procedural defenses omitted from such motion to dismiss will be subject to potential waiver.” (at 2)

“All procedural defenses, including exhaustion, instead must be raised by motion to dismiss.” (at 2-3)

FACTUAL BACKGROUND

Woods is pursuing a federal habeas corpus matter against Ronald Oliver. After the court granted Woods's motion for appointment of counsel, the Federal Public Defender entered appearances through Ebise Bayisa and Shelly Richter. The order addresses the representation, amendment of the petition, and the manner in which respondents must raise procedural defenses and file state-court materials.

PROCEDURAL HISTORY

On November 14, 2025, the court granted Woods's motion for appointment of counsel and gave the Federal Public Defender 30 days to enter an appearance or indicate that it could not represent him. The Federal Public Defender filed notices of appearance on December 15, 2025. The court then appointed the Federal Public Defender and entered a 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 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 JACOB ALEXZANDER
WOODS, Case No. 2:25-cv-01765-APG-EJY 4 Petitioner, APPOINTMENT AND
SCHEDULING ORDER 5 v. 6 RONALD OLIVER, 7 Respondent. 8 9 On November 14, 2025, I
granted Petitioner Jacob Alexzander Woods's motion for 10 appointment of counsel and gave the
Federal Public Defender 30 days to (1) undertake direct 11 representation of Woods by filing a
notice of appearance or (2) indicate the office's inability to 12 represent Woods in these
proceedings.

ECF No. 12. On December 15, 2025, the Federal Public 13 Defender filed notices of appearance.
ECF Nos. 14, 15. 14 I THEREFORE ORDER that the Federal Public Defender, through Ebise
Bayisa and 15 Shelly Richter, is appointed as counsel for Woods pursuant to 18 U.S.C. § 16
3006A(a)(2)(B). Counsel will represent Woods in all federal proceedings related to this matter, 17
including any appeals or certiorari proceedings, unless allowed to withdraw.

18 I FURTHER ORDER that Woods has up to and including 90 days from entry of this 19 Order
within which to file an amended petition and/or seek other appropriate relief. Neither the 20
foregoing deadline nor any extension thereof signifies or will signify any implied finding as to 21
the expiration of the federal limitation period and/or of a basis for tolling during the time period 22
established.

Woods remains responsible for calculating the running of the federal limitation 23 period and
timely asserting claims, without regard to any deadlines established or extensions 1 granted herein.
That is, by setting a deadline to amend the petition and/or by granting any 2 extension thereof, I
make no finding or representation that the petition, any amendments thereto, 3 and/or any claims
contained therein are not subject to dismissal as untimely.

See Sossa v. Diaz, 4 729 F.3d 1225, 1235 (9th Cir. 2013). 5 I FURTHER ORDER that
Respondents shall file a response to the amended petition, 6 including potentially by motion to
dismiss, within 60 days of service of an amended petition and 7 that Woods may file a reply
thereto within 30 days of service of the answer.

The response and 8 reply time to any motion filed by either party, including a motion filed in lieu
of a pleading, shall 9 be governed instead by Local Rule LR 7-2(b). 10 I FURTHER ORDER that
any procedural defenses raised by Respondents to the 11 counseled amended petition shall be
raised together in a single consolidated motion to 12 dismiss.

In other words, I do not wish to address any procedural defenses raised herein either in 13
seriatum fashion in multiple successive motions to dismiss or embedded in the 14 answer.

Procedural defenses omitted from such motion to dismiss will be subject to potential 15 waiver. Respondents shall not file a response in this case that consolidates their procedural 16 defenses, if any, with their response on the merits, except pursuant to 28 U.S.C. § 2254(b)(2) as 17 to any unexhausted claims clearly lacking merit.

If Respondents do seek dismissal of 18 unexhausted claims under § 2254(b)(2): (a) they shall do so within the single motion to dismiss 19 not in the answer; and (b) they shall specifically direct their argument to the standard for 20 dismissal under § 2254(b)(2) set forth in *Cassett v. Stewart*, 406 F.3d 614, 623-24 (9th Cir. 21 2005).

In short, no procedural defenses, including exhaustion, shall be included with the merits 22 in an answer. All procedural defenses, including exhaustion, instead must be raised by motion to 23 dismiss. 1 I FURTHER ORDER that, in any answer filed on the merits, Respondents shall 2\| specifically cite to and address the applicable state court written decision and state court record 3\} materials, if any, regarding each claim within the response as to that claim.

4 I FURTHER ORDER that any state court record and related exhibits filed herein by 5\} either Woods or Respondents shall be filed with a separate index of exhibits identifying the exhibits by number. The CM/ECF attachments that are filed further shall be identified by the number or 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 another copy of the index, a volume cover page, or some other document serving as a 10\} filler, so that each exhibit under the ECF number thereafter will be listed under an attachment 11\|number (i.e., attachment 1, 2, etc.).

12 I FURTHER ORDER that courtesy copies of exhibits shall not be provided. 13 Dated: December 15, 2025 GAT ANDREW P. GORDON 15 CHIEF UNITED STATES DISTRICT JUDGE 16 17 18 19 20 21 22 23