

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

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