

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

	,	)	CASE NO.
Petitioner,		)	
		)	
v.		)	MAGISTRATE JUDGE
		)	NANCY A. VECCHIARELLI
	,	)	
Respondent.		)	<u>ORDER</u>

A petition, pursuant to 28 U.S.C. § 2254, has been filed in this Court. The Court, having examined the petition in accordance with Rule 4 of the Rules Governing § 2254 Proceedings, cannot determine from the face of the petition that Petitioner is not entitled to relief.

THEREFORE,

- (1) Respondent shall file an answer (“Return of Writ”) to the petition within sixty (60) days from the date of this order. The answer shall comply with Rule 5 of the Rules Governing § 2254 Cases, and shall address all legal issues raised in the petition.
- (2) Petitioner shall have thirty (30) days from the filing of Respondent’s answer to reply thereto by filing a Traverse.
- (3) Respondent shall have fifteen (15) days from the filing of Petitioner’s Traverse to respond thereto.

Briefs filed by the parties shall contain a summary of the facts and evidence upon which they rely and shall make specific reference to those portions of the record (Page and Exhibit Number) in support. Briefs shall also contain statements of the applicable law, citations to relevant case and statutory authorities, and legal analysis of the claim in issue. Where applicable, multiple volumes of the record are preferred to a single massive, unwieldy volume.

In briefing the merits of a claim, Respondent and Petitioner, if represented by counsel, shall provide legal analysis for the claim in issue and set forth facts in support of or against any “harmless error” or “no prejudice” argument. Respondent shall not simply quote the Court of Appeals’ opinion and state in a conclusory fashion that such decision is neither contrary to, nor an unreasonable application of clearly established federal law. Even if Respondent cites or relies on the state appellate court’s factual findings pertaining to the trial, he or she shall file the entire transcript of the state court proceedings.

If a dispositive motion is filed raising a statute of limitations defense, the movant shall attach documentation in support of the motion, including, but not limited to a certified copy of the docket. If the respondent claims the petition is time-barred, he or she also shall brief the merits unless there is United States Supreme Court or Sixth Circuit precedent directly on point in support of his or her statute of limitations argument. However, if the petitioner argues that the filing deadline should be excused, the respondent shall file a sur-reply, including all documents in support, within fourteen days of the filing of petitioner’s traverse.

**If Respondent moves to dismiss a ground for relief on procedural default, he or she shall still brief the merits of the claim.**

When a party has a change of address, the party must immediately inform the Court of the new address or risk the waiver of his/her right to present arguments and/or the dismissal of his/her case.

**IT IS SO ORDERED.**

*s/ Nancy A. Vecchiarelli*  
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NANCY A. VECCHIARELLI  
U.S. MAGISTRATE JUDGE

Date: \_\_\_\_\_