

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

,)	CASE NO.
)	
Petitioner,)	JUDGE
)	
v.)	MAGISTRATE JUDGE
)	JONATHAN D. GREENBERG
,)	
)	
Respondent.)	<u>ORDER</u> (as revised 10/18/2016)

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 forty-five (45) 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. As part of the Return of Writ, Respondent shall furnish the Court with copies of all transcripts, journal entries, opinions, indictments, affidavits, orders, and docket sheets pertaining to the proceedings from which Petitioner seeks relief in this Court.
- (2) Petitioner shall have thirty (30) days from the filing of Respondent’s answer/Return of Writ to reply thereto by filing a Traverse.
- (3) Respondent shall have fifteen (15) days from the filing of Petitioner’s Traverse to respond thereto by filing a sur-reply. Respondent should respond to Petitioner’s Traverse when issues or arguments not addressed in the answer are raised.

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 or Exhibit Number) in support. Briefs shall also contain statements of the applicable law and 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. It is preferred that individual exhibits in the State Court Record be “book-marked.”

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. In addition, if the petitioner files a response arguing 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 response.

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 or the dismissal of his/her case.

Any request for an extension of any deadline must be made at least three (3) business days *before* the deadline date, but such requests will not be routinely granted.

The Clerk of Court shall forward a copy of the petition and this Order to the Respondent.

IT IS SO ORDERED.

Date:

s/ Jonathan D. Greenberg
JONATHAN D. GREENBERG
U.S. MAGISTRATE JUDGE