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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

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9 STERLING ATKINS,

10   Petitioner,   2:02-cv-01348-JCM-PAL

11 vs.

                                          ORDER

12 TIMOTHY FILSON *et al.*,

13   Respondents.

14   /

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16   In this capital habeas corpus action, the petitioner, Sterling Atkins, filed a fourth amended

17 habeas petition on August 26, 2016 (ECF No. 183). Respondents were then due to respond to the

18 fourth amended petition by October 28, 2016. *See* Order entered August 10, 2015 (ECF No. 167)

19 (60 days for response); Fed. R. Civ. P. 6(d) (adding three days to the time for response when

20 document served by electronic means).

21   On October 25, 2016, respondents filed a motion for extension of time (ECF No. 187),

22 requesting an extension to December 23, 2016, of the time to respond to the fourth amended petition.

23 That would be a 56-day extension of time. Respondents' counsel states that the extension of time is

24 necessary because of her obligations in other cases. The court finds that respondents' motion for

25 extension of time is made in good faith and not solely for the purpose of delay, and that there is good

26 cause for the requested extension of time.

1   **IT IS THEREFORE ORDERED** that respondents' motion for extension of time (ECF No.

2 187) is **GRANTED**. Respondents shall have until and including **December 23, 2016**, to file and

3 serve a response to petitioner's fourth amended petition for writ of habeas corpus.

4   **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further

5 proceedings set forth in the order entered August 10, 2015 (ECF No. 167) shall remain in effect.

6   **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure 25(d), the

7 clerk of the court shall substitute Timothy Filson for Renee Baker, on the docket for this case, as the

8 respondent warden, and shall update the caption of the action to reflect this change.

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10   Dated October 26, 2016.

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                                   UNITED STATES DISTRICT JUDGE

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