Atkins v. Filson, et al. Doc. 198 1 2 3 4 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 8 STERLING ATKINS, 9 Petitioner, 2:02-cv-01348-JCM-PAL 10 VS. **ORDER** 11 TIMOTHY FILSON et al., 12 Respondents. 13 14 15 The petitioner in this capital habeas corpus action, Sterling Atkins, filed a fourth amended 16 habeas petition on August 26, 2016 (ECF No. 183). Respondents filed a motion to dismiss 17 on December 22, 2016 (ECF No. 192). Atkins is due to respond to the motion to dismiss by 18 February 21, 2017. See Order entered August 10, 2015 (ECF No. 167) (60 days for response) 19 (February 20 is a holiday). 20 On February 13, 2017, Atkins filed a motion for an extension of time (ECF No. 197), 21 requesting an extension of time to April 21, 2017, a 59-day extension, for his response to the motion 22 to dismiss. This would be the first extension of this deadline. Atkins' counsel states that the 23 extension of time is necessary because of the complexity of the motion to dismiss, and his obligations in other cases. Respondents do not oppose the motion for extension of time. The court 24 25 finds that Atkins' motion for extension of time is made in good faith and not solely for the purpose 26 of delay, and that there is good cause for the extension of time requested.

The court will grant the motion for extension of time. However, in light of the amount of time Atkins will have had to respond to the motion to dismiss (some 120 days), *the court will not look favorably upon any motion to further extend this deadline*.

IT IS THEREFORE ORDERED that petitioner's Motion for Extension of Time (ECF No. 197) is **GRANTED**. Petitioner shall have until April 21, 2017, to respond to the motion to dismiss (ECF No. 192).

IT IS FURTHER ORDERED that, in all other respects, the schedule for further proceedings set forth in the order entered August 10, 2016 (ECF No. 167) shall remain in effect.

Dated February 16, 2017.

UNITED STATES DISTRICT JUDGE