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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CURTIS GUY,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No.: 2:11-cv-01809-APG-NJK

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME**

(ECF No. 143)

In this capital habeas corpus action, after an initial period of 119 days, and extensions of 60, 62, 45, 32, 45 and 14 days, the respondents were due to file their answer to Petitioner Curtis Guy's second amended habeas petition by January 27, 2022. *See* Order entered January 15, 2021 (ECF No. 130) (initial 119-day period); Order entered May 17, 2021 (ECF No. 132) (60-day extension); Order entered July 14, 2021 (ECF No. 134) (62-day extension); Order entered September 14, 2021 (ECF No. 136) (45-day extension); Order entered November 1, 2021 (ECF No. 138) (32-day extension); Order entered November 30, 2021 (ECF No. 140) (45-day extension); Order entered January 14, 2022 (ECF No. 142) (14-day extension).

On January 27, 2022, Respondents filed a motion for extension of time (ECF No. 143), requesting a further 7-day extension, to February 3, 2022. Respondents' counsel states that this extension of time is necessary because during the last week of the time to file the answer, she became ill and could not work on anything of substance, and as of the due date for the answer was still recovering. The Court finds that Respondents' motion for extension of time is made in good faith and not solely for the purpose of delay, and there is good cause for an extension of time. I will grant this motion for extension of time.

The second amended petition was filed on March 18, 2019 (ECF No. 90). Respondents filed a motion to dismiss on November 4, 2019 (ECF No. 105). The motion to dismiss was

1 resolved on January 15, 2021 (ECF No. 130). Respondents have had over a year to file their
2 answer following the resolution of the motion to dismiss. This has been undue delay, in my view,
3 even considering the complexity of this case and the challenges Respondents' counsel has
4 apparently faced. Nevertheless, in view of the serious reason for this latest request for an
5 extension of time, I will extend the time for the answer to February 23, 2022. That is 20 days
6 more than was requested. *I will not further extend this deadline.*

7 Further, considering the complexity of this case, and the time the respondents have taken
8 to file their answer, I will, *sua sponte*, extend to 150 days the time for Guy to file his reply to the
9 answer.

10 I THEREFORE ORDER that Respondents' Motion for Enlargement of Time (**ECF**
11 **No. 143**) is **GRANTED**. Respondents will have until and including February 23, 2022, to file
12 their answer. Petitioner will then have 150 days to file his reply. In all other respects, the
13 schedule for further proceedings set forth in the order entered November 26, 2018 (ECF No. 85)
14 will remain in effect.

15 Dated: January 28, 2022

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18 ANDREW P. GORDON
19 UNITED STATES DISTRICT JUDGE
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