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 8 *Williams, Sr., Cheryl Burson, Tanya Hill,*
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 12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

14 STEVEN D. RICHARD,)
 15 Plaintiff,) Case No. 2:12-cv-1236-GMN-CWH
 16 v.)
 17 GREG COX, *et al.*,) **MOTION FOR EXTENSION OF TIME TO FILE**
 18 Defendants.) **MOTION FOR SUMMARY JUDGMENT**
) **[FOURTH REQUEST]**
 19

20 Defendants James G. Cox, Brian Connett, Sheryl Foster, Brian E. Williams, Sr., Cheryl
 21 Burson, Tanya Hill and Johnny Youngblood, by and through counsel, ADAM PAUL LAXALT,
 22 Nevada Attorney General, and ERIC N. TRAN, Deputy Attorney General, of the State of
 23 Nevada, Office of the Attorney General, hereby submit this Motion for Extension of Time to
 24 File Motion for Summary Judgment [Fourth Request].

25 DATED this 14th day of September, 2015.

26 Respectfully submitted,
 27 ADAM PAUL LAXALT
 Nevada Attorney General
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1 By: /s/ Eric N. Tran
ERIC N. TRAN
2 Deputy Attorney General
3 Nevada Bar No. 11876
Attorneys for Defendants

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5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. LEGAL ARGUMENT**

7 Plaintiff Steven D. Richard is a former inmate of the Nevada Department of Corrections
8 (“NDOC”). Plaintiff filed his Civil Rights Complaint asserting that several employees of the
9 NDOC violated his constitutional rights while he was incarcerated at Southern Desert
10 Correctional Center (“SDCC”). Dkt. # 11. Plaintiff’s Complaint alleges that employees at
11 SDCC violated his First and Fourteenth Amendment rights by denying him a meatless diet to
12 accommodate his religious belief. *Id.* Plaintiff also alleges that employees at SDCC violated
13 his First Amendment Rights by denying him the ability to wear his Rastafarian religious
14 headwear. *Id.*

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16 On January 30, 2015, this Court issued a Scheduling Order stating that Motions for
17 Summary Judgment shall be filed and served by May 30, 2015. Dkt. # 30. The deadline for
18 submitting Motions for Summary Judgment was extended to September 14, 2015 . Dkt. # 36.

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20 Defendants’ counsel has been working diligently to complete a motion for summary
21 judgment by the September 14, 2015 deadline. However, as stated in Defendants’ previous
22 motions for extension of time, three senior deputy attorneys general recently left the Office of
23 the Attorney General. As a result of these recent departures, Defendants’ counsel was
24 assigned to take over a significant number of the departing Senior Deputy Attorneys General’s
25 active cases. While the Office of the Attorney General has hired two additional Deputy
26 Attorneys General as of today’s date, these new Deputy Attorneys General have not had an
27 opportunity to become familiar with the cases sufficient to assume the day to day
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1 responsibilities of these cases. As such, Defendants' counsel has continued to assume the
2 responsibility of the majority of cases left by the departing Senior Deputy Attorneys General.

3 In addition, Defendants' counsel's dispositive motions calendar in other cases has
4 affected Defendants' counsel's ability to file a Motion for Summary Judgment in this case by
5 the September 14, 2015 deadline. For example, Defendants' counsel had a Motion for
6 Summary Judgment in *Clemons v. Williams*, 13-cv-00093-RFB-NJK due on September 14,
7 2015; an Opposition to Plaintiff's Motion for Summary Judgment in *Johnson v. Little*, 14-cv-
8 00649-RFB-VCF due on September 10, 2015; a Motion for Summary Judgment in *Campbell*
9 *v. Cox*, 13-cv-02303-JAD-NJK due on August 31, 2015; and a Reply in Support of a Motion for
10 Summary Judgment in *Woods v. Brown*, 13-cv-01029-APG-NJK that was due in September 8,
11 2015.

12 Further, Defendants' counsel has had to prepare for a mandatory four day interoffice
13 training at the Office of the Attorney General that is schedule to take place from September
14 15, 2015 to September 18, 2015. These events have significantly and unexpectedly affected
15 Defendants' counsel's ability to complete a motion for summary judgment by the September
16 14, 2015 deadline. Thus, Defendants request one final 30 day extension to file a motion for
17 summary judgment.

18 FRCP 6 (b)(1) states that "[w]hen an act may or must be done within a specified time,
19 the court may, for good cause, extend the time . . . if a request is made, before the original
20 time or its extension expires."

21 Based on the foregoing, Defendants request on final 30 day extension from the present
22 deadline up to October 14, 2015 to file a motion for summary judgment.

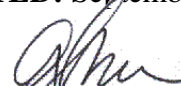
23 DATED this 14th day of September, 2015.

24 ADAM PAUL LAXALT
25 Attorney General

26 By: /s/ Eric Tran
27 ERIC N. TRAN
28 Deputy Attorney General
Attorneys for Defendants

IT IS SO ORDERED.

DATED: September 15, 2015



Gloria M. Navarro, Chief Judge
United States District Court