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8 Attorney for Petitioner Dominguez

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 DEMAIN DOMINGUEZ aka DEMIAN
12 DOMINGUEZ,

13 Petitioner,

14 v.

15 BRIAN E. WILLIAMS, et al.,

16 Respondents.

Case No. 2:12-CV-01608-JAD-PAL

**ORDER GRANTING NUNC PRO
TUNC UNOPPOSED MOTION
FOR AN EXTENSION OF TIME
TO FILE OPPOSITION TO
MOTION TO DISMISS**

[ECF No. 64]

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18 Petitioner, Demain Dominguez, by and through counsel of record, Assistant
19 Federal Public Defender Jonathan M. Kirshbaum, hereby files this Unopposed
20 Motion for an Extension of Time of twenty-nine (29) days, until and including Friday,
21 May 19, 2017, in which to file the Opposition to the Motion to Dismiss. This motion
22 is based upon the attached points and authorities and all pleadings and papers on
23 file herein.
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1 **POINTS AND AUTHORITIES**

2 1. On March 13, 2017, this Court issued an order requesting Petitioner’s
3 Third Amended Petition be filed. (ECF No. 60). Petitioner filed his Third Amended
4 Petition on March 14, 2017. (ECF No. 61). On April 6, 2017, Respondents filed their
5 Motion to Dismiss. (ECF No. 63). Petitioner’s Opposition to Motion to Dismiss is
6 currently due April 20, 2017.

7 2. Petitioner now makes a first request for an extension of time to file the
8 Opposition. Petitioner requests twenty-nine (29) days, up to and including Friday,
9 May 19, 2017, in which to file the Opposition.

10 3. An extension of time to file the Opposition is necessary given my
11 obligations in other cases and time that has been spent away from the office. Since
12 the time that the Motion to Dismiss was filed on April 6, 2017, counsel was out of the
13 office on vacation between April 7 and April 14. Upon his return, counsel has had to
14 focus on a state petition that was filed on April 17 and an evidentiary hearing in state
15 court that is currently scheduled for April 27, 2017. Over the next few weeks, counsel
16 has a brief due in the Nevada Supreme Court, a Reply due in another case, as well as
17 an additional Opposition to a Motion to Dismiss.

18 4. Due to the above, an extension of time is necessary to provide counsel
19 sufficient time to draft and file a complete Opposition to Motion to Dismiss.

20 5. On April 19 2017, Deputy Attorney General Daniel Roche indicated to
21 counsel via email that he does not object to the request for an extension of time.

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1 6. This motion is not filed for the purpose of delay, but in the interests of
2 justice, as well as in the interest of Mr. Dominguez. Counsel respectfully requests
3 that this Court grant the request for an extension of time to file the Reply until
4 May 19, 2017.

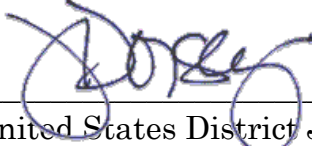
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7 DATED this 19th day of April, 2017.

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9 Respectfully submitted,
10 RENE L. VALLADARES
11 Federal Public Defender

/s/ Jonathan M. Kirshbaum
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13 JONATHAN M. KIRSHBAUM
14 Assistant Federal Public Defender

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16 Good cause appearing, IT IS HEREBY ORDERED that the time for Demian
17 Dominguez to respond to the motion to dismiss is **EXTENDED** nunc pro tunc to
18 May 19, 2017.

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23 United States District Judge

24 Dated: April 24, 2017
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