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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

CARL BRADLEY,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE OF NEVADA, et al.,

Respondents.

Case No. 2:13-cv-01196-RFB-GWF

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE AMENDED PETITION FOR WRIT OF HABEAS CORPUS

(First Request)

Petitioner Carl Bradley, by counsel, moves this Court for the entry of an Order extending the time in which she must file an Amended Petition for Writ of Habeas Corpus by 14 days from May 15, 2017 to, and including, May 30, 2017. This motion is based on the attached points and authorities and the record.

## POINTS AND AUTHORITIES

- 1. Bradley was convicted and sentenced on two state cases that were resolved together with guilty pleas. The sentencing court imposed 60 to 150 months consecutive to a 110-month federal sentence he is currently serving.
- 2. Bradley filed his *pro se* §2254 petition by mailing it from Lewisburg Federal Prison on July 4, 2013. Bradley's petition had some technical problems, which

this Court pointed out. *See* ECF No. 6 (dated May 22, 2014). As instructed, he corrected them and filed an amended petition. ECF No. 7.

- 3. On June 23, 2014, Bradley filed a motion seeking leave to file an amended petition. He said he was "trying to ask the Court for permission to add additional pages to the supporting facts for grounds one through three" in order to explain his "situation and what happened. One page is not enough room for me to try to fully explain my situation on the 2254 application." ECF No. 8 at 1-2. See also ECF No. 8 (the proposed amended petition). The Court granted his request. ECF No. 10.
- 4. The Court screened the petition and found it untimely on its face. It ordered the state to respond to the petition only as it related to timeliness. ECF No., 10 at 3.-4.
- 5. Before the state filed its response, however, Bradley filed a motion for discovery seeking the originally discovery the state had turned over to his attorneys in his state cases. ECF No. 16. After seeking a short extension, the state filed a motion to dismiss Bradley's petition based on timeliness. ECF No. 19.
- 6. Bradley opposed the state's motion to dismiss, and the state opposed Bradley's request for discovery. *See* ECF Nos. 28, 29, 31, 32. In a minute order, this Court granted Bradley's discovery request. ECF No. 33. In a separate order, it appointed the Federal Public Defender to represent Bradley. ECF No. 34.
- 7. Counsel made an appearance and filed a motion to compel discovery and an amended discovery request. The parties litigated this issue extensively, which included a hearing on the matter. *See* ECF Nos. 43-59.
- 8. On January 20, 2017, this Court entered an Order detailing the limitations of discovery and giving Bradley until May 15, 2017 to file an amended petition. ECF No. 60.

- 9. Counsel timely served subpoenas and received information in response from the Clark County District Attorney's Office, the Las Vegas Metropolitan Police Department, and the Lewisburg Federal Prison, which required the approval of the U.S. Attorney's Office here in Las Vegas.
- 10. Counsel has completed her review of Bradley's case and has the majority of the amended petition drafted. This brief extension is necessary to permit her to complete the petition. It is necessary in order to effectively and thoroughly represent Bradley. This motion is not filed for the purposes of delay, but in the interests of justice, as well as in the interests of Bradley. This is Bradley's first request.
- 11. On May 15, 2017, counsel exchanged e-mails with Deputy Jeffrey Connor, who does not object to this request, with the caveat that his lack of objection is not to be construed as a waiver or concession of any kind.
- 12. For the reasons above, as well as the record in this case, Bradley respectfully asks this Court to grant his request for an extension of time and enter an order requiring the amended petition be filed on or before May 30, 2017.

Dated this 15th day of May, 2017.

Respectfully submitted,

RENE L. VALLADARES Federal Public Defender

<u>/s/ Amelia L. Bizzaro</u> AMELIA L. BIZZARO Assistant Federal Public Defender

IT IS SO ORDERED.

RICHARD F. BOULWARE, II United States District Judge

DATED this 22nd day of May, 2017.

## CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: JEFFREY M. CONNER.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Carl Bradley No. 43838-048 USP Florence ADMAX U.S. Penitentiary PO Box 8500 Florence, CO 81226

/s/ Jessica Pillsbury
An Employee of the

Federal Public Defender