

1 RENE L. VALLADARES
 Federal Public Defender
 2 Nevada State Bar No. 11479
 C.B. KIRSCHNER
 3 Assistant Federal Public Defender
 Pennsylvania Bar No. 92998
 4 411 E. Bonneville, Ste. 250
 Las Vegas, Nevada 89101
 5 (702) 388-6577
 (702) 388-6419 (Fax)
 6 Cb_Kirschner@fd.org

7 Attorney for Petitioner Charles Lane III

8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF NEVADA

11 CHARLES LANE, III,
 12 Petitioner,
 13 v.
 14 DWIGHT NEVEN, et al.,
 15 Respondents.

Case No. 2:14-cv-00794-APG-PAL

**UNOPPOSED MOTION FOR
 EXTENSION OF TIME TO FILE
 REPLY TO ANSWER**

(Third Request)

17 Petitioner, Charles Lane, by and through counsel, C.B. Kirschner, Assistant
 18 Federal Public Defender, moves this Court for an extension of time of seven (7) days
 19 from May 4, 2017, to and including May 11, 2017, to file a Reply to Respondents'
 20 Answer to the Amended Petition for Writ of Habeas Corpus. This motion is based
 21 upon the attached points and authorities and all pleadings and papers on file
 22 herein.
 23

24 ///

25 ///

26

1 **POINTS AND AUTHORITIES**

2 1. Charles Lane filed his pro se Petition for a Writ of Habeas Corpus on
3 May 15, 2014. ECF No. 1-1. On July 14, 2015, Mr. Lane, through counsel, filed an
4 Amended Petition. ECF No. 12. Respondents filed an Answer to the Amended
5 Petition on December 19, 2016. ECF No. 28. Mr. Lane’s Reply to Respondents’
6 Answer is currently due May 4, 2017. Mr. Lane now requests an additional seven
7 (7) days to file his Reply, until May 11, 2017. This is the third request for an
8 extension of time.

9 2. The additional period of time is necessary in order to effectively
10 represent Mr. Lane. This motion is filed in the interests of justice and not for the
11 purposes of unnecessary delay.

12 3. Counsel was out of the office for several days last month due to illness
13 and for personal business. Counsel will again be out of the office attending a
14 previously scheduled CLE seminar on May 4th and May 5th.

15 4. Additionally, a time-critical matter unexpectedly arose in another
16 habeas case, *Melonie Sheppard v. Jo Gentry*, state case number CR03-0502B,
17 federal case number 3:14-cv-00059-MMD-VPC. The state district court issued a
18 final order on April 12, 2017. Counsel is/was up against a 30-day immovable
19 deadline to resolve this matter, which required extensive negotiations with the
20 State, arrangements with the court, and a trip to the state correctional facility to
21 meet with client.

22 5. On May 2, 2017, Deputy Attorney General Matthew Johnson was
23 contacted via email and stated that he did not object to the extension, but the lack
24 of objection should not be construed as a waiver of any issues or defenses.
25
26

