

1 RENE L. VALLADARES  
 Federal Public Defender  
 2 Nevada State Bar No. 11479  
 3 JONATHAN M. KIRSHBAUM  
 Assistant Federal Public Defender  
 4 New York State Bar No. 2857100  
 411 E. Bonneville, Ste. 250  
 5 Las Vegas, Nevada 89101  
 6 (702) 388-6577  
 (702) 388-5819 (fax)  
 7 Jonathan\_Kirshbaum@fd.org  
 8 Attorney for Petitioner Marcus Hunt

9 UNITED STATES DISTRICT COURT  
 10 DISTRICT OF NEVADA

12 MARCUS HUNT,  
 13 Petitioner,  
 14 v.  
 15 BRIAN WILLIAMS, et al.,  
 16 Respondents.

Case No. 2:14-CV-01054-RFB-NJK

**UNOPPOSED MOTION FOR  
 ENLARGEMENT OF TIME IN  
 WHICH TO FILE REPLY TO  
 ANSWER (ECF NO. 26)**

**(First Request)**

18 Petitioner Marcus Hunt, by and through counsel, Assistant Federal Public  
 19 Defender Jonathan M. Kirshbaum, hereby moves this Court for an enlargement of  
 20 time of forty-four (44) days from January 11, 2017, to and including February 24,  
 21 2017, in which to file a reply to the Answer (ECF No. 26). This motion is based upon

22 ///

25 ///

26

1 the attached points and authorities and all pleadings and papers on file herein.

2 Dated this 6<sup>th</sup> day of January, 2017.

3 Respectfully submitted,

4  
5 RENE L. VALLADARES  
6 Federal Public Defender

7 */s/Jonathan M. Kirshbaum*  
8 JONATHAN M. KIRSHBAUM  
9 Assistant Federal Public Defender

10  
11 IT IS SO ORDERED:

12  
13 

14 RICHARD F. BOULWARE, II  
15 United States District Judge

16 DATED this 10th day of January, 2017.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 **POINTS AND AUTHORITIES**

2 1. On September 12, 2016, Hunt filed an amended petition. ECF No. 22.  
3 On December 12, 2016, Respondents filed their Answer. ECF No. 26. The reply is  
4 currently due January 11, 2017.

5 2. Petitioner seeks a first request for an extension of time to file his reply.  
6 Petitioner requests an additional forty-four (44) days of time, up to and including  
7 February 24, 2017, in which to file the reply. This is counsel's first request for an  
8 extension of time for this pleading.

9 3. Counsel's schedule and circumstances beyond his control has precluded  
10 him from meeting the current deadline of January 11, 2017. While counsel has begun  
11 to work on the reply, an extension of time to file the pleading is necessary due to  
12 counsel's schedule and filing obligations. Since the time that the Answer was filed,  
13 counsel had to go on multiple prison visits. Counsel had to file several pleading with  
14 the Ninth Circuit, including an en banc petition. Counsel also had to draft two  
15 significant pleadings in federal district court cases. In addition, counsel was out of  
16 the office on vacation for close to two weeks in December. Finally, counsel has an  
17 oral argument scheduled in the Ninth Circuit on the same day in which this pleading  
18 is due. The oral argument has required a great deal of attention and preparation.

19 4. Therefore, counsel seeks an additional forty-four (44) days, up to and  
20 including February 24, 2017, in which to file the reply. Counsel previously requested  
21 two extensions of time to file the amended petition.

22 5. On January 5, 2017, Senior Deputy Attorney General Dennis Wilson  
23 informed counsel that he did not object to this request.

24 6. This motion is not filed for the purpose of delay, but in the interests of  
25 justice, as well as in the interest of Hunt. Counsel for Petitioner respectfully requests  
26

1 that this Court grant this motion and order Petitioner to file the reply no later than  
2 February 24, 2017.

3  
4 Dated this 6<sup>th</sup> day of January, 2017.

5 Respectfully submitted,

6 RENE L. VALLADARES  
7 Federal Public Defender

8 */s/Jonathan M. Kirshbaum*  
9 JONATHAN M. KIRSHBAUM  
10 Assistant Federal Public Defender

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 **CERTIFICATE OF SERVICE**

2 In accordance with the Rules of Civil Procedure, the undersigned hereby  
3 certifies that on this 6<sup>th</sup> day of January 2017, a true and correct copy of the foregoing  
4 **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME IN WHICH TO FILE**  
5 **REPLY TO ANSWER (ECF NO. 26)**, was filed electronically with the United States  
6 District Court. Electronic service of the foregoing document shall be made in  
7 accordance with the master service list as follows:

8 Dennis C. Wilson  
9 Senior Deputy Attorney General  
10 555 East Washington Avenue, Suite 3900  
11 Las Vegas, NV 89701  
12 dwilson@ag.nv.gov

13 */s/ Jineen DeAngelis*  
14 An Employee of the  
15 Federal Public Defender,  
16 District of Nevada  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26