

1 AARON D. FORD
2 Attorney General
3 Katrina A. Samuels (Bar. No. 13394)
4 Deputy Attorney General
5 State of Nevada
6 Office of the Attorney General
7 555 E. Washington Ave., Ste. 3900
8 Las Vegas, NV 89101
9 (702) 486-3770 (phone)
10 (702) 486-2377 (fax)
11 KSamuels@ag.nv.gov
12 *Attorneys for Respondents*

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLEN S. HEUSNER,

Petitioner,

vs.

DWIGHT NEVEN, *et al.*,

Respondents.

Case No. 2:14-cv-01119-RFB-GWF

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME
TO FILE RESPONSE TO HEUSNER'S
SECOND AMENDED PETITION FOR WRIT
OF HABEAS CORPUS (ECF NO. 44)**

(FIRST REQUEST)

Respondents move this Court for an enlargement of time from the current due date of September 7, 2021, in which to file their Response to Heusner's Second Amended Petition for Writ of Habeas Corpus (ECF No. 44). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel.

This is the first enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED: September 2, 2021.

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Katrina A. Samuels
Katrina A. Samuels (Bar. No. 13394)
Deputy Attorney General

DECLARATION OF KATRINA A. SAMUELS

STATE OF NEVADA)
COUNTY OF CLARK) ss.
)

I, Katrina A. Samuels, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Allen S. Heusner v. Dwight Neven, et al.*, Case No. 2:14-cv-01119-RFB-GWF, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The Response to Heusner's Second Amended Petition is currently due on September 7, 2021.

4. I have been unable with due diligence to timely complete the Response.

5. In the past few months, Respondents filed a response to a motion to strike due July 1, 2021 (*Mario Herrada-Gonzalez v. Jerry Howell, et. al.*, Case No. 2:20-cv-01013-GMN-DJA); a supplemental brief in the Ninth Circuit Court of Appeals due July 16, 2021 (*Peter J. Munoz, Jr., v. Gregory Smith, et al.*, No. 20-16327); an opening brief in the Nevada Supreme Court due July 29, 2021 (*In the Matter of the Application of Breck Warden Smith for a Writ of Habeas Corpus*, No. 82696); a motion to dismiss due August 2, 2021 (*Sanjiv N. Daveshwar v. Garrett, et al.*, Case No. 3:20-cv-00612-MMD-CLB); a response to a motion for discovery due August 13, 2021 (*Evaristo N. Rodriguez v. Tim Garrett et al.*, Case No. 3:20-cv-00691-MMD-CLB); and an answer due August 19, 2021 (*Harold Cordova v. Isidro Baca, et al.*, Case No. 3:19-cv-00388-MMD-CLB). Respondents also have a second supplemental brief in the Ninth Circuit Court of Appeals due September 8, 2021 (*Peter J. Munoz, Jr., v. Gregory Smith, et al.*, No. 20-16327).

6. Due to these instantaneous deadlines, I request a 45-day enlargement of time, up to and including October 22, 2021, to file our Response.

7. I communicated with counsel for Heusner regarding this extension and she does not object to this request.

111

8. Based on the foregoing, I respectfully request an enlargement of time of 45 days from the current due date, up to and including October 22, 2021, to file the Response to Heusner's Second Amended Petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2nd day of September 2021.

/s/ Katrina A. Samuels
Katrina A. Samuels (Bar No. 13394)
Deputy Attorney General

IT IS SO ORDERED:

RICHARD F. BOULWARE, II
United States District Judge

DATED this 4th day of September, 2021.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion For Enlargement Of Time To File Response To Heusner's Second Amended Petition For Writ Of Habeas Corpus (ECF No. 44) (First Request)* with the Clerk of the Court by using the CM/ECF system on September 2, 2021.

The following participants in this case are registered CM/ECF users and will be served by the CM/ECF system:

Alicia R. Intriago, Esq.
Assistant Federal Public Defender
411 East Bonneville Avenue, Suite 250
Las Vegas, NV 89101
Alicia_Intriago@fd.org@fd.org

Jonathan M. Kirshbaum, Esq.
Assistant Federal Public Defender
411 East Bonneville Ave., Suite 250
Las Vegas, NV 89101
Jonathan Kirshbaum@fd.org

/s/ M. Landreth
An employee of the Office of the Attorney General