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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 ALLEN S. HEUSNER,

11 Petitioner,

12 vs.

13 DWIGHT NEVEN, *et al.*,

14 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)**

(SECOND REQUEST)

15 Respondents move this Court for an enlargement of time of 45 days from the current due date of
16 October 22, 2021, in which to file their Response to Heusner's Second Amended Petition for Writ of
17 Habeas Corpus (ECF No. 44). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the
18 Local Rules of Practice and is based upon the attached declaration of counsel.

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

21 DATED October 21, 2021

22 Submitted by:

23 AARON D. FORD
24 Attorney General

25 By: /s/ Katrina A. Samuels
26 Katrina A. Samuels
27 Deputy Attorney General
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DECLARATION OF KATRINA A. SAMUELS

1
2 STATE OF NEVADA)
3 COUNTY OF CLARK) ss:

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

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

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

10 3. The Response to Heusner’s Second Amended Petition is currently due on Friday, October
11 22, 2021.

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

13 5. In the past few months, Respondents filed a motion to dismiss due August 2, 2021 (*Sanjiv*
14 *N. Daveshwar v. Garrett, et al.*, Case No. 3:20-cv-00612-MMD-CLB); a response to a motion for
15 discovery due August 13, 2021 (*Evaristo N. Rodriguez v. Tim Garrett et al.*, Case No. 3:20-cv-00691-
16 MMD-CLB); an answer due August 19, 2021 (*Harold Cordova v. Isidro Baca, et al.*, Case No. 3:19-cv-
17 00388-MMD-CLB); a second supplemental brief in the Ninth Circuit Court of Appeals due September
18 8, 2021 (*Peter J. Munoz, Jr., v. Gregory Smith, et al.*, No. 20-16327); and an answering brief in the
19 Nevada Court of Appeals due September 27, 2021 (*Juan Alfonso Nuno-Velasco vs. The Honorable Steve*
20 *Sisolak, as Governor of the State of Nevada*, No. 82879-COA). Respondents also have multiple
21 responses due in this Court and the Nevada Supreme Court in the upcoming weeks.

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

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

26 8. Based on the foregoing, I respectfully request an enlargement of time of 45 days from the
27 current due date, up to and including December 6, 2021, to file the Response to Heusner’s Second
28 Amended Petition.

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

2 Executed on October 21, 2021.

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

6 IT IS SO ORDERED:

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8 RICHARD F. BOULWARE, II
9 United States District Judge

10 DATED this 21st day of October, 2021.

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of*
3 *Time to File Response to Heusner's Second Amended Petition for Writ of Habeas Corpus (ECF No. 44)*
4 *(Second Request)* with the Clerk of the Court by using the CM/ECF system on October 21, 2021.

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

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14
15 /s/ M. Landreth
An employee of the Office of the Attorney General