

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CLAY BURGON,

Petitioner,

2:14-cv-01128-RFB-CWH

vs.

ORDER

ATTORNEY GENERAL, *et al.*,

Respondents.

_____ /

In this habeas corpus action, on March 31, 2016, the Court appointed counsel for the petitioner, Clay Burgon, and granted Burgon 60 days to file an amended petition (ECF No. 24).

The Federal Public Defender for the District of Nevada (FPD), appeared on Burgon’s behalf on April 15, 2016 (ECF No. 25). Subsequently, the Court granted Burgon two extensions of time, totaling eight months (ECF Nos. 28, 31), making the amended petition due on January 27, 2017.

On January 20, 2017, Burgon filed a motion (ECF No. 32), requesting a third extension of time -- a 60-day extension, to March 28, 2017. Petitioner’s counsel, Assistant Federal Public Defender Armilla Staley-Ngomo, states that the third extension of time is necessary because of the transfer of the case, within the FPD’s office, from another attorney to her, in June 2016, because she was out on maternity leave for about three months beginning shortly after she took over the case, because of her obligations in other cases, and because this is a complex habeas corpus case requiring her and other FPD staff to

1 gather and review voluminous files and court records. Burgon's counsel states that respondents do not
2 oppose the motion for extension of time.

3 The Court is familiar with the background of this case; respondents filed much, if not all, of the
4 state court record on May 13, 2015 (ECF Nos. 9, 10, 11), and the court has examined those records.
5 This is not an unusually complex habeas corpus action. The court does not approve of the amount of
6 time required for petitioner to amend his petition in this case. However, in the interests of justice, the
7 Court will grant this motion for extension of time.

8 *The court will not be inclined to further extend this deadline absent extraordinary circumstances.*

9 **IT IS THEREFORE ORDERED** that petitioner's motion for extension of time (ECF No. 32)
10 is **GRANTED**. Petitioner shall have until and including March 28, 2017, to file an amended petition
11 for writ of habeas corpus.

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

Dated this 23rd day of January, 2017.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE