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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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8 CLAY BURGON,

9 Petitioner,

2:14-cv-01128-RFB-CWH

10 vs.

ORDER11 ATTORNEY GENERAL, *et al.*,

12 Respondents.

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In this habeas corpus action, the petitioner, Nevada prisoner Clay Burgon, filed an amended petition for writ of habeas corpus on April 11, 2017 (ECF No. 36). After a 60-day extension of time, respondents' response to Burgon's amended petition was due on July 10, 2017. *See* Order entered May 15, 2017 (ECF No. 42). Respondents did not file a response to the amended petition by July 10, 2017.

On July 12, 2017, respondents filed a motion for extension of time (ECF No. 44), requesting a second 60-day extension of time, to September 8, 2017. Respondents' counsel states that this extension of time is necessary because of time he has been away from work for personal reasons.

The Court finds that respondents show excusable neglect with respect to the failure to file the motion for extension of time by the July 10, 2017, deadline respondents wish to have extended. *See* LR 26-4 (requiring showing of excusable neglect for motion for extension of time filed after deadline to be extended has passed).

Petitioner does not oppose the motion for extension of time. The court finds that the motion for extension of time is made in good faith, and not solely for the purpose of delay, and that there is good

1 cause for the extension of time requested. The court will grant respondents' the second 60-day extension
2 of time.

3 **IT IS THEREFORE ORDERED** that respondents' motion for extension of time (ECF No. 44)
4 is **GRANTED**. Respondents shall have until and including **September 8, 2017**, to file a response to
5 the petitioner's amended petition for writ of habeas corpus. In all other respects, the schedule for further
6 proceedings set forth in the order entered May 15, 2017 (ECF No. 42) shall remain in effect.

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Dated this 25th day of July, 2017.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE