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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CLAY BURGON,

Petitioner,

v.

BRIAN WILLIAMS,

Respondents.

Case No. 2:14-cv-01128-RFB-CWH

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
OPPOSITION TO MOTION TO
DISMISS**

(SECOND REQUEST)

Petitioner Clay Burgon, by counsel, moves this Court for the entry of Order extending the time within which he must file an Opposition to Motion to Dismiss by 29 days from November 16, 2017 to and including December 15, 2017. Burgon's request is based on the record in this case and the attached Points and Authorities. The state, by Senior Deputy Attorney General Heather D. Procter, does not object to this request.

1 **POINTS AND AUTHORITIES**

2 1. On March 31, 2016, the Office of the Federal Public Defender was
3 appointed as counsel for Petitioner, Clay W. Burgon (ECF No. 24). Undersigned
4 counsel filed her appearance on August 22, 2017 (ECF No. 47).

5 2. This is Burgon's second request for an extension of time. This motion is
6 not filed for the purposes of delay but in the interests of justice, as well as in the
7 interests of Burgon.

8 3. Counsel's schedule and circumstances beyond her control have
9 precluded her from meeting the current deadline of November 16, 2017. Counsel
10 began employment with the Federal Public Defender District of Nevada on August
11 14, 2017. Counsel filed an amended petition on September 15, 2017. In addition,
12 counsel has filed several petitions for writ of habeas corpus in the Eighth Judicial
13 District Court as well as various pleadings. Counsel has also scheduled client visits
14 with all of her new clients, and therefore she has had to become acquainted with all
15 of their cases in a short period of time. Furthermore, counsel is preparing an
16 evidentiary hearing scheduled for December 14, 2017, which has required counsel to
17 travel to Washington and Arizona to conduct depositions and investigation.

18 4. On November 15, 2017, counsel e-mailed Senior Deputy Attorney
19 General Heather D. Procter regarding her requested extension. On November 15,
20 2017, she responded that she does not object to this request.

21 5. The requested extension is necessary for counsel to complete her review
22 of the case and to draft and file the Opposition to Motion to Dismiss. For these
23 reasons, as well as the record in this case, Burgon respectfully asks this Court to
24 grant his request to extend the time for filing an opposition by 29 days until December
25 15, 2017.

1 Dated this 15th of November, 2017.

2 Respectfully submitted,

3 RENE L. VALLADARES
4 Federal Public Defender

5 */s/ Kimberly Sandberg*
6 KIMBERLY SANDBERG
7 Assistant Federal Public Defender

8
9 IT IS SO ORDERED.

10 
11 RICHARD F. BOULWARE, II
12 United States District Judge

13 DATED this 16th day of November, 2017.

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on November 15, 2017, I electronically filed the foregoing
3 with the Clerk of the Court for the United States District Court, District of Nevada
4 by using the CM/ECF system.

5 Participants in the case who are registered CM/ECF users will be served by
6 the CM/ECF system and include: Heather D. Procter

7 I further certify that some of the participants in the case are not registered
8 CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or
9 have dispatched it to a third party commercial carrier for delivery within three
10 calendar days, to the following non-CM/ECF participants:

11 Clay Burgon
12 No. 87633
13 High Desert State Prison
14 PO Box 650
15 Indian Springs, NV 89070

16 */s/ Jessica Pillsbury*
17 _____
18 An Employee of the
19 Federal Public Defender
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