

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 || DEBARON SANDERS,

10 Petitioner, 2:14-cv-01966-JCM-NJK

11 | VS.

ORDER

12 || BRIAN WILLIAMS, SR., *et al.*,

13 Respondents.

16 In this habeas corpus action, brought by Nevada prisoner Debaron Sanders, the court
17 appointed counsel to represent Sanders (ECF No. 21), and set a May 12, 2016, deadline for Sanders
18 to file a first amended habeas petition or a notice stating that he will not file an amended habeas
19 petition. *See Order entered March 28, 2016 (ECF No. 25).*

20 On May 5, 2016, Sanders filed a motion for extension of time (ECF No. 27), requesting a
21 60-day extension of time, to July 11, 2016, to file his amended petition. Sanders' counsel states that
22 the extension of time is necessary because of her obligations with respect to other matters. This is
23 the first motion to extend this deadline. Respondents' counsel does not object. The court finds that
24 the motion for extension of time is made in good faith and not solely for the purpose of delay, and
25 that there is good cause for the requested extension of time. The court will extend the deadline for
26 Sanders to file his amended petition to July 11, 2016.

1 Sanders' motion for extension of time, in its opening paragraph, refers to the petition that he
2 plans to file as a "supplemental petition." The court's intention is that Sanders will file a first
3 amended petition -- complete within itself without reference to the *pro se* petition filed by Sanders
4 (ECF No. 6). *See* Fed. R. Civ. P. 15 (distinction between amended and supplemental pleadings);
5 LR 15-1(a). There is no indication that there is any need for a supplemental petition in this case.

6 Sanders' amended petition may refer to, and rely upon, exhibits filed by respondents
7 (ECF Nos. 14-18). Sanders should not file duplicates of any exhibits already filed by respondents.

8 Finally, as Sanders' motion for extension of time clearly expresses his intention to file an
9 amended petition, respondents' motion to dismiss Sanders' *pro se* petition will be denied as moot,
10 without prejudice to respondents asserting any of the same defenses to claims raised in Sanders'
11 anticipated amended petition.

12 **IT IS THEREFORE ORDERED** that petitioner's motion for extension of time (ECF No.
13 27) is **GRANTED**. Petitioner shall have until and including **July 11, 2016**, to file and serve a first
14 amended petition for writ of habeas corpus.

15 **IT IS FURTHER ORDERED** that respondents' Motion to Dismiss (ECF No. 13) is
16 **DENIED** as moot.

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18 Dated May 11 2016.

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21 UNITED STATES DISTRICT JUDGE
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