

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
5

6 MONTRAIL D. SMITH,

7 Petitioner,

8 v.

9 BRIAN E. WILLIAMS, SR., *et al.*,

10 Respondents.
11

Case No. 2:15-cv-00487-KJD-VCF

**ORDER GRANTING MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
EXHIBIT (ECF NO. 88)**

12
13 In this habeas corpus action, on March 27, 2020, the petitioner, Montrail D.
14 Smith, represented by appointed counsel, filed an opposition to the respondents' motion
15 to dismiss (ECF No. 72 (motion); ECF No. 82 (opposition)) and supporting exhibits
16 (ECF No 83), along with a motion for leave to conduct discovery (ECF No. 86) and a
17 motion for evidentiary hearing (ECF No. 85). Respondents' reply in support of their
18 motion to dismiss, and their responses to the motion for leave to conduct discovery and
19 the motion for evidentiary hearing are currently due on April 27, 2020. See Order filed
20 April 24, 2019 (ECF No. 68).

21 On April 9, 2020, Smith filed a motion for leave to file a supplemental exhibit in
22 support of his opposition to the motion to dismiss (ECF No. 88). The supplemental
23 exhibit (ECF No. 88-2) is the transcript of a hearing held on February 28, 2020, in
24 another case in this Court (*Perez v. Neven*, 2:14-cv-2087-APG-BNW), which Smith
25 represents is germane to issues raised by the motion to dismiss. The Court determines
26 that there is good cause for Smith to file the supplemental exhibit. Smith's motion for
27 leave to do so will be granted.
28

1 The Court will also, *sua sponte*, extend the time for Respondents to file a reply in
2 support of their motion to dismiss, and responses to the motion for leave to conduct
3 discovery and the motion for evidentiary hearing. The Court does so with the
4 expectation that this will forestall any motion for extension of time for the filing of those
5 documents.

6 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Leave to File
7 Supplemental Exhibit in Support of Opposition to Second Motion to Dismiss (ECF No.
8 88) is **GRANTED**. The Clerk of the Court is directed to file separately the supplemental
9 exhibit, which is located at ECF No. 88-2.

10 **IT IS FURTHER ORDERED** that Respondents will have until and including
11 **May 8, 2020**, to file a reply in support of their motion to dismiss, and responses to the
12 motion for leave to conduct discovery and the motion for evidentiary hearing.

13 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
14 proceedings set forth in the order filed April 24, 2019 (ECF No. 68) will remain in effect.

15
16 DATED THIS 13 day of April, 2020.

17
18 

19 _____
KENT J. DAWSON,
UNITED STATES DISTRICT JUDGE