Edmisten v. Neven et al

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## POINTS AND AUTHORITIES

- 1. Petitioner mailed his *pro se* petition for a writ of habeas corpus on May 15, 2015. ECF No. 4.
- 2. On March 21, 2017, this Court reconsidered its previous order denying counsel and appointed the Federal Public Defender, District of Nevada. ECF No. 17.
- 3. On July 25, 2017, counsel filed a Motion to Partially Vacate the March 21, 2017, Order. ECF No. 26. Respondents opposed and Edmisten replied. ECF Nos. 28, 31. On March 29, 2018, this Court entered an Order granting Petitioner's Motion to Vacate the March 21, 2017 order and ordered counsel to file an Amended Petition within sixty (60) days. ECF No. 33. The Amended Petition is currently due May 29, 2018. This is a first request for an extension of time.
- 4. Counsel requires additional time to complete the amended petition in this matter. In the last month, counsel drafted a protective petition in Xia v. Baca, 3:16-cv-00651-HDM-VPC. She is also working on an opening brief in the Ninth Circuit in Taylor v. Myles, 3:13-cv-00035-MMD-VPC, which has a "no further extensions" order. Counsel has traveled to Arizona and Northern Nevada to visit clients, and she attended the United States District Court Conference. She is also taking long-planned leave May 24-27, 2018. Finally, counsel has had a heavy administrative workload, as she trains new attorneys and staff, and plans and schedules CLEs pursuant to the district court's order on CJA.
- 5. Counsel emailed counsel for Respondents, Victor-Hugo Schulze III, who advised he is not opposed to this request. Petitioner understands that opposing counsel's non-opposition does not waive any claims, defenses, statute of limitations, or other substantive arguments the Respondents may choose to raise at a later date.

6. This motion is made in good faith and not for the purpose of delay. Petitioner therefore respectfully requests that this Court grant his motion to file an amended petition on or before July 13, 2018.

Dated this 29th day of May, 2018.

Respectfully submitted,

RENE L. VALLADARES Federal Public Defender

/s/ Megan C. Hoffman

MEGAN C. HOFFMAN Assistant Federal Public Defender

IT IS SO ORDERED:

RICHARD F. BOULWARE, United States District Judge

Dated: June 4, 2018.

## CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Dennis Wilson.

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

Justin Edmisten Inmate ID 02682479 Clark County Detention Center 330 South Casino Center Boulevard Las Vegas, NV 89101

/s/ Adam Dunn

An Employee of the Federal Public Defender