Edmisten v.	Neven et al			Doc. 40
1	Rene L. Valladares			
2	Federal Public Defender Nevada State Bar No. 11479			
3	*Megan C. Hoffman Assistant Federal Public Defender			
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8	*Attorney for Petitioner Justin James Edmisten			
9				
10	UNITED STATES DISTRICT COURT			
11	DISTRICT OF NEVADA			
12	Justin James Edmisten,			
13	Petitioner,		Case No. 2:15-cv-00952-RFB-NJK	
14	v.		Unopposed Motion for Extension	
15	Dwight Neven, et al.,		of Time to File a First Amended Petition	
16	Respondents	5.	(Third Request)	
17				
18	Petitioner Justin James Edmisten moves this Court for an Order extending			
19	the time by eight (8) days, from August 27, 2018 to and including September 4, 2018			
20	in which to file his counseled amended petition. This motion is based on the attached			
21	points and authorities and the record in this case.			
22	POINTS AND AUTHORITIES			
23	1. Petitioner mailed his <i>pro se</i> petition for a writ of habeas corpus on May			
24	15, 2015. ECF No. 4.			
25	2. On March 21, 2017, this Court reconsidered its previous order denying			
26	counsel and appointed the Federal Public Defender, District of Nevada. ECF No. 17.			

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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. This third request for an extension of time follows.

4. Mr. Edmisten's petition is drafted. However, counsel requires additional time to speak with Mr. Edmisten about several of the claims in the drafted amended petition. Counsel and Edmisten missed calls last week; counsel has scheduled another call this week to speak with Mr. Edmisten. She therefore requests 8-days to speak with her client before filing this petition.

5. Counsel emailed counsel for Respondents, Jessica Perlick, who advised she 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 September 4, 2018.

1	Dated August 27, 2018.	
2		Respectfully submitted,
3		Rene L. Valladares
4		Federal Public Defender
5		<u>/s/Megan C. Hoffman</u>
6		Megan C. Hoffman Assistant Federal Public Defender
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8		
9		IT IS SO ORDERED:
10		E.
11		RICHARD F. BOULWARE, United States District Judge
12		States District Judge
13		Dated: <u>August 29, 2018.</u>
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CERTIFICATE OF SERVICE

I hereby certify that on August 27, 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: Jessica Perlick.

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

> <u>/s/ Marcus Walker</u> An Employee of the Federal Public Defender