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10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 Justin James Edmisten,
 13 Petitioner,
 14 v.
 15 Dwight Neven, et al.,
 16 Respondents.

Case No. 2:15-cv-00952-RFB-NJK
**Unopposed Motion for Extension
 of Time to File a First Amended
 Petition**
(Third Request)

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 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 *pro se* 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.

1 3. On July 25, 2017, counsel filed a Motion to Partially Vacate the March
2 21, 2017, Order. ECF No. 26. Respondents opposed and Edmisten replied. ECF Nos.
3 28, 31. On March 29, 2018, this Court entered an Order granting Petitioner's Motion
4 to Vacate the March 21, 2017 order and ordered counsel to file an Amended Petition
5 within sixty (60) days. ECF No. 33. This third request for an extension of time follows.

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

11 5. Counsel emailed counsel for Respondents, Jessica Perlick, who advised
12 she is not opposed to this request. Petitioner understands that opposing counsel's
13 non-opposition does not waive any claims, defenses, statute of limitations, or other
14 substantive arguments the Respondents may choose to raise at a later date.

15 6. This motion is made in good faith and not for the purpose of delay.
16 Petitioner therefore respectfully requests that this Court grant his motion to file an
17 amended petition on or before September 4, 2018.

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1 Dated August 27, 2018.

2 Respectfully submitted,

3 Rene L. Valladares
4 Federal Public Defender

5 /s/ Megan C. Hoffman
6 Megan C. Hoffman
7 Assistant Federal Public Defender

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9 IT IS SO ORDERED:

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11 
12 RICHARD F. BOULWARE, United
13 States District Judge

14 Dated: August 29, 2018.

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