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Federal Public Defender
Nevada State Bar No. 11479
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Attorney for Petitioner Justin James Edmisten

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Justin James Edmisten.

Petitioner,

v.

Dwight Neven, et al.,

Respondents.

Case No. 2:15-cv-00952-RFB-NJK

**Unopposed motion to extend time
to file opposition to motion to
dismiss**

(First Request)

1 **POINTS AND AUTHORITIES**

2 Petitioner Justin James Edmisten respectfully asks this Court to enter an
3 Order extending his deadline for filing a counseled opposition to motion to dismiss by
4 45 days from January 18, 2019 until March 4, 2019.

5 Petitioner mailed his *pro se* petition for a writ of habeas corpus on May 15,
6 2015. ECF No. 4.

7 On March 21, 2017, this Court reconsidered its previous order denying counsel
8 and appointed the Federal Public Defender, District of Nevada. ECF No. 17.

9 On January 4, 2019, Respondents filed a Motion to Dismiss First Amended
10 Petition for Writ of Habeas Corpus, ECF No. 48. This is a first request for an
11 extension of time.

12 Counsel's schedule has prevented her from completing her response to the
13 motion to dismiss. Since the motion to dismiss was filed by Respondents, counsel has
14 had the following deadlines: *Zanini v. Baker*, 3:18-cv-00336 (protective first amended
15 petition); *McNair v. Baca*, 3:18-cv-00308-HDM-CBC (protective first amended
16 petition); *Williams v. Gentry*, 17-17422 (opening brief and excerpts of record).
17 Counsel was also out of the office on sick leave on January 17, 2019.

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

1 This motion is made in good faith and not for the purpose of delay. Petitioner
2 therefore respectfully requests that this Court grant his motion to file an opposition
3 to motion to dismiss on or before March 4, 2019.
4

5 Dated January 17, 2019.

6 Respectfully submitted,

7 Rene L. Valladares
8 Federal Public Defender

9 /s/ Megan C. Hoffman
10 Megan C. Hoffman
11 Assistant Federal Public Defender
12

13 IT IS SO ORDERED:
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16 _____
17 RICHARD F. BOULWARE, II
18 UNITED STATES DISTRICT JUDGE

19 DATED this 18th day of January, 2019.
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 17, 2019, I electronically filed the foregoing
3 with the Clerk of the Court for the United States District Court, District of Nevada
4 by using the CM/ECF system.

5 Participants in the case who are registered CM/ECF users will be served by
6 the CM/ECF system and include: Jessica Perlick.

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

11 Justin Edmisten
12 No. 1047583
13 Lovelock Correctional Center
14 1200 Prison Road
15 Lovelock, NV 89419

16 */s/ Jessica Pillsbury*
17 _____
18 An Employee of the
19 Federal Public Defender
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