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Attorneys 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**

(Second 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 March 4, 2019 to April 18, 2019. This is his second request for an
5 extension of time.

6 Petitioner mailed his *pro se* petition for a writ of habeas corpus on May 15,
7 2015. ECF No. 4.

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

10 On January 4, 2019, Respondents filed a Motion to Dismiss First Amended
11 Petition for Writ of Habeas Corpus, ECF No. 48.

12 Counsel Novillo is newly-appointed to Edmisten’s case. His schedule has
13 prevented him from completing a response to the motion to dismiss. Counsel has also
14 had deadlines in the following cases: pretrial motions in *USA v. Schlesinger*, an out-
15 of-district case in Arizona; *King v. Baker*, 3:18-cv-00202-MMD-WGC, AEDPA
16 deadline on or about March 13, 2019. In addition, counsel has been newly assigned
17 to *Luis v. Howell*, 2:18-cv-01073-JCM-CWH and *Zanini v. Baker*, 3:18-cv-00336-
18 MMD-WGC, which has involved record review and travel to meet the clients. Counsel
19 was also out of the office on leave February 14-24, 2019.

20 Counsel emailed counsel for Respondents, Jessica Perlick, who advised she is
21 not opposed to this request. Petitioner understands that opposing counsel’s non-
22 opposition does not waive any claims, defenses, statute of limitations, or other
23 substantive arguments the Respondents may choose to raise at a later date.
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1 Edmisten makes this motion in good faith and not for the purpose of delay.
2 Barring unforeseen circumstances, petitioner does not anticipate the need to request
3 further extensions in this matter. Therefore, Edmisten respectfully requests that this
4 Court grant his motion to file an opposition to motion to dismiss on or before April
5 18, 2019.


6
7 Dated February 22, 2019.

8 Respectfully submitted,

9 Rene L. Valladares
10 Federal Public Defender

11 /s/ Megan C. Hoffman for
12 MARTIN L. NOVILLO
13 Assistant Federal Public Defender

14
15 IT IS SO ORDERED:

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18 _____
19 RICHARD F. BOULWARE, II
20 UNITED STATES DISTRICT JUDGE

21 DATED this 27th day of February, 2019.
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 22, 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/ Arielle Blanck
17 An Employee of the
18 Federal Public Defender
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