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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 an  
 Extension of Time in which to file  
 a Reply**  
**(Fourth request)**

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1           Petitioner Justin James Edmisten (“Mr. Edmisten”) moves for an extension of  
2 time of seven (7) days, up to and including Friday October 16, 2020, to file his Reply  
3 to Respondents’ Answer to Mr. Edmisten’s First Amended Petition for a Writ of  
4 Habeas Corpus. This is Mr. Edmisten’s fourth and, counsel anticipates, last request.  
5 Respondents do not oppose the same.

6           1.       On March 21, 2017, this Court appointed the Federal Public Defender,  
7 District of Nevada to Mr. Edmisten’s case. ECF No. 17. On September 4, 2018, Mr.  
8 Edmisten, through counsel, filed his First Amended Petition. ECF No. 41.  
9 Respondents filed their Answer on March 12, 2019, rendering Mr. Edmisten’s Reply  
10 due on April 27, 2020. ECF No. 73. Since, Mr. Edmisten has sought and obtained  
11 three extensions of time. ECF Nos. 74, 76, 78. For those reasons detailed below, seeks  
12 an additional and final seven (7) day extension on his deadline.

13           2.       An extension of time to file Mr. Edmisten’s Reply to Respondents’  
14 Answer is merited on account of various deadlines undersigned counsel recently had  
15 to meet in non-capital and capital habeas cases. An extension of time is further  
16 merited in light of difficulties posed and efforts undertaken as a result of the COVID-  
17 19 pandemic.

18           3.       Undersigned counsel has had to meet several deadlines in capital and  
19 non-capital habeas matters since submitting his last request for an extension of time.  
20 More specifically, since the request, undersigned counsel had to expend substantial  
21 time drafting an amended petition in the out-of-state capital habeas matter of *Maury*  
22 *v. Martel*, 12-cv-01043-WBS, in order to meet an upcoming filing deadline. In  
23 addition, undersigned counsel had to expend significant time and effort drafting  
24 claims and conducting research in the capital habeas matter of *Biela v. Gittere, et. al*,  
25 20-cv-00026-GMN, in order to meet a November 2020 filing deadline to file an  
26 amended petition. Counsel likewise had to expend significant time researching and  
27 drafting pre-trial motions for *United States v. Schlesinger*, 18-cr-02719-RCC, an out-of-

1 state capital trial matter. Finally, counsel unexpectedly fell ill for several days the week  
2 of October 5, which slowed down progress in Mr. Edmisten's Reply.

3 4. Counsel had to perform the above-referenced tasks in the midst of the  
4 COVID-19 pandemic. Since obtaining the most recent 45-day extension, the pandemic  
5 has continued to pose serious difficulties. Throughout that time period, undersigned  
6 counsel has continued to telework with use of a personal computer. As a result of the  
7 FPD's policies, work on Mr. Edmisten's case has been affected by technological  
8 difficulties and lack of access to case records, as well as office supplies and amenities.  
9 Although counsel has been able to complete a significant amount of Mr. Edmisten's  
10 Reply, a brief 7-day extension is necessary to complete the pleading. The requested,  
11 brief extension will permit counsel time to thoroughly and adequately respond to the  
12 arguments raised by the Respondents in their Answer.

13 5. Finally, the present request for an extension is unopposed. On October  
14 9, 2020, counsel for Petitioner contacted Deputy Attorney Jessica Perlick via email  
15 concerning this request for an extension of time. Ms. Perlick has no objection to the  
16 request.

