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Walker v. Filson, et al

Doc. 108

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6	CFinlayson@ag.nv.gov Attorney for Respondents		
7			
8	UNITED STATES DISTRICT COURT		
9	DISTRICT OF NEVADA		
10	JAMES RAY WALKER,	Case No. 2:15-cv-01240-RFB-GWF	
11	Petitioner,	DECLARATION OF COUNSEL	
12	VS.		
13	WILLIAM GITTERE, et al.,		
14	Respondents.		
15	I, Charles L. Finlayson, hereby state, based on personal knowledge and/or information and belief		
16	that the assertions of this declaration are true:		
17	1. I am a Senior Deputy Attorney	General of the Post-Conviction Division of the Nevada	
18	Attorney General's Office, and I make this declaration on behalf of Respondents' motion for enlargement		
19	of time.		
20	2. My answer in this matter is presently due February 1, 2022. By this motion, I am		
21	requesting a 90-day day extension of time to file my response, up to and including May 2, 2022.		
22	3. I require additional time to respond. I recently filed responses in McClain v. Williams		
23	2:17-cv-00753-RFB-NJK; and <i>Orduna v. Garrett</i> , 20-cv-00641-MMD-CLB. I have also been working		
24	diligently to complete responses in earlier filed capital cases, including Leonard v. Gittere, 2:99-cv-		
25	00360-MMD-DJ; and Sonner v. Gittere, 2:00-cv-01101-KJD-DJA. The petitioner in Leonard filed a		
26	nearly 400-page reply in support of his petition, along with additional requests for an evidentiary hearing		
27	and discovery, and the petitioner in Sonner filed a lengthy memorandum regarding procedural default		

My responses in those matters are presently due in February. Although I anticipate having to request

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extensions in those matters as well, I intend to prioritize them given the age of those cases. I also have an answer following an order on a motion to dismiss in *Mulder v. Gittere*, 3:09-cv-00610-JAD-CSD, due in April.

- 4. On top of my work on other cases, I spent a significant portion of my schedule in the previous weeks, including weekends and holidays, preparing for oral argument in the Ninth Circuit on a capital case. On January 25, the Ninth Circuit rescheduled that argument for March 17, 2022.
- 5. My role as a Senior Deputy Attorney General also requires that I take time from my own cases to assign cases, review and edit filings, conduct trainings, and coordinate responses with other departments. These responsibilities, which I cannot delegate, take up a significant portion of my time.
- 6. For the foregoing reasons, I respectfully request that this Court grant this request to extend the time for responding in this matter to May 2, 2022.
- 7. I contacted counsel for the petitioner and they indicated that they had no objection to my request.

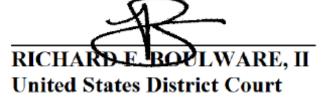
Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the foregoing is true and correct.

By: /s/ Charles L. Finlayson CHARLES L. FINLAYSON (Bar No. 13685) Senior Deputy Attorney General

ORDER

IT IS SO ORDERED.

Dated this 31st day of January , 2022.



CERTIFICATE OF SERVICE I certify that I am an employee of the Office of the Attorney General and that on this 31st day of January, 2022, I served a copy of the foregoing UNOPPOSED MOTION FOR ENLARGEMENT OF TIME (FIRST REQUEST), by U.S. District Court CM/ECF electronic filing to: David Anthony Martin Novillo T. Kenneth Lee Assistant Federal Public Defenders 411 East Bonneville Ave., Suite 250 Las Vegas, NV 89101 /s/ Amanda White