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8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 JAMES RAY WALKER,
 11 Petitioner,
 12 vs.
 13 WILLIAM GITTERE, et al.,
 14 Respondents.

Case No. 2:15-cv-01240-RFB-GWF

**UNOPPOSED MOTION FOR
 ENLARGEMENT OF TIME (FIRST
 REQUEST SINCE FILING OF STATEMENT
 WITH RESPECT TO EXHAUSTION)**

15 Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada,
 16 hereby respectfully move this Court for an order granting a ninety (90) day enlargement of time, to and
 17 including February 8, 2023, in which to file and serve their response to petition.

18 This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure
 19 and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and
 20 other materials on file herein.

21 There has been no prior enlargement of Respondents' time to file said response since James Ray
 22 Walker filed his Statement With Respect to Exhaustion but this is the third request since the petition
 23 was filed, and this motion is made in good faith and not for the purposes of delay.

24 RESPECTFULLY SUBMITTED this 9th day of November, 2022.

25 AARON D. FORD
 Attorney General

26 By: /s/ Matthew S. Johnson
 27 MATTHEW S. JOHNSON (Bar. No. 12412)
 Deputy Attorney General
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8 **UNITED STATES DISTRICT COURT**
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10 JAMES RAY WALKER,
11 **Petitioner,**
12 vs.
13 WILLIAM GITTERE, et al.,
14 **Respondents.**

Case No. 2:15-cv-01240-RFB-GWF
DECLARATION OF COUNSEL

15 I, Matthew S. Johnson, hereby state, based on personal knowledge and/or information and
16 belief, that the assertions of this declaration are true:

17 1. I am a Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney
18 General's Office, and I make this declaration on behalf of Respondents' motion for enlargement of
19 time.

20 2. My response in this matter is presently due on November 10, 2022. I respectfully request
21 a 90-day extension to complete my response.

22 3 This case was reassigned to me along with dozens of other federal habeas petitions upon
23 my employment with this office in August of 2022. Many of these cases had deadlines before the
24 November 10, 2022 deadline for this case. Since this Court's deadline, I have submitted filings in
25 numerous cases and have been preparing for an oral argument in the Ninth Circuit to be held on
26 November 17, 2022. I have also had to familiarize myself with the 331-page second amended petition
27 and the accompanying exhibits in preparation for writing a response while complying with the

28 ///

1 deadlines in my other death and non-death penalty cases. Because of the lengthy record in this case and
2 my other responsibilities I need additional time to complete a response to the petition.

3 5. The Post-Conviction Division of the Nevada Attorney General's Office is presently
4 staffed by 12 full-time post-conviction attorneys, two attorneys who primarily work for other divisions,
5 and one legal researcher who is shared with other divisions. Among other duties, the attorneys in the
6 Post-Conviction Division respond to all federal habeas cases (in the district court and appeal), all state
7 habeas cases involving time-computation issues (in state district court and appeal), all extradition and
8 rendition matters, all wrongful conviction compensation cases, and all appeals and post-conviction
9 cases arising from Attorney General criminal prosecutions.

10 6. For the foregoing reasons, I respectfully request that this Court grant this request to
11 extend the time for responding in this matter to February 8, 2022.

12 7. I contacted counsel for the petitioner and they have no objection to this request.

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

15 By: /s/ Matthew S. Johnson
16 MATTHEW S. JOHNSON (Bar. No. 12412)
17 Deputy Attorney General

18 **ORDER**

19 IT IS SO ORDERED.

20 Dated this 9th day of November, 2022.

21 
22 RICHARD F. BOULWARE, II
23 UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General and that on this 9th day of
3 November, 2022, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT**
4 **OF TIME (FIRST REQUEST SINCE FILING OF STATEMENT WITH RESPECT TO**
5 **EXHAUSTION)**, by U.S. District Court CM/ECF electronic filing to:

6 David Anthony
7 Martin Novillo
8 T. Kenneth Lee
9 Assistant Federal Public Defenders
411 East Bonneville Ave., Suite 250
Las Vegas, NV 89101

10 /s/ Amanda White _____