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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 (SECOND  
 REQUEST SINCE FILING OF STATEMENT  
 WITH RESPECT TO EXHAUSTION)  
 DEATH PENALTY CASE**

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 May 9, 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 one prior enlargement of Respondents' time to file said response since James  
 22 Ray Walker filed his Statement With Respect to Exhaustion and this motion is made in good faith and  
 23 not for the purposes of delay.

24 RESPECTFULLY SUBMITTED this 8th day of February, 2023.

25 AARON D. FORD  
 Attorney General

26 By: /s/ Matthew S. Johnson  
 27 MATTHEW S. JOHNSON (Bar. No. 12412)  
 Deputy Attorney General  
 28

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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 February 8, 2022. I respectfully request a  
21 90-day extension to complete my response.

22 3. Due to the voluminous nature of the pleadings and exhibits in this death penalty case  
23 along with my other responsibilities and the turnover in our office that has required me to take on  
24 additional cases with short deadlines, I need additional time to complete a response to the petition.

25 4. The Post-Conviction Division of the Nevada Attorney General's Office is presently  
26 staffed by 10 full-time post-conviction attorneys, two attorneys who primarily work for other divisions,  
27 and one legal researcher who is shared with other divisions. Among other duties, the attorneys in the  
28 Post-Conviction Division respond to all federal habeas cases (in the district court and appeal), all state

1 habeas cases involving time-computation issues (in state district court and appeal), all extradition and  
2 rendition matters, all wrongful conviction compensation cases, and all appeals and post-conviction  
3 cases arising from Attorney General criminal prosecutions.

4 5. For the foregoing reasons, I respectfully request that this Court grant this request to  
5 extend the time for responding in this matter to May 9, 2023.

6 6. I contacted counsel for the Petitioner and they have no objection to this request.

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

9 By: /s/ Matthew S. Johnson  
10 MATTHEW S. JOHNSON (Bar. No. 12412)  
11 Deputy Attorney General

12 **ORDER**

13 IT IS SO ORDERED.

14 Dated this 9<sup>th</sup> day of February, 2023.

15   
16 RICHARD F. BOULWARE, II  
17 UNITED STATES DISTRICT JUDGE  
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General and that on this 8th day of  
3 February, 2023, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT**  
4 **OF TIME (SECOND 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 \_\_\_\_\_