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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 (THIRD
 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 forty-five (45) day enlargement of time, to
 17 and including June 23, 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 have been two prior enlargements 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 May, 2023.

25 AARON D. FORD
 Attorney General

26
 27 By: /s/ Matthew S. Johnson
 MATTHEW S. JOHNSON (Bar. No. 12412)
 Senior Deputy Attorney General
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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 May 9, 2022. I respectfully request a 45-
21 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. The
25 response has also been delayed because another team-member working on this response with me had a
26 family emergency causing them to be out of the office for an extended period of time which delayed the
27 completion of the response in this case.

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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 May, 2023, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF**
4 **TIME (THIRD 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/ April Markiewicz_____