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

10 JAMES ANTHONY DAVIS,
11 Petitioner,
12 vs.
13 DWIGHT W. NEVEN, et al.,
14 Respondents.
15

Case No. 2:15-cv-01574-RFB-NJK

**RESPONDENT'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO ANSWER
THE FIRST AMENDED PETITION FOR
WRIT OF HABEAS CORPUS (ECF NO. 29)**

(SECOND REQUEST)

16 Respondents move this Court for an enlargement of time of forty-five days from the current due
17 date of Monday, December 14, 2020 up to and including Thursday, January 28, 2021, in which to file
18 their answer to Petitioner James Davis' First Amended Petition for Writ of Habeas Corpus. ECF No. 29.
19 This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is
20 based upon the attached affidavit of counsel.

21 This is the second enlargement of time sought by Respondents and is brought in good faith and
22 not for the purpose of delay.

23 DATED December 14, 2020.

24 AARON D. FORD
Attorney General

25 By: /s/ Allison Herr
26 ALLISON HERR (Bar No. 5383)
Senior Deputy Attorney General
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DECLARATION OF ALLISON HERR

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2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 I, Allison Herr, being first duly sworn under oath, depose and state as follows:

6 1. I am an attorney licensed to practice law in all courts within the State of Nevada and am
7 employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have
8 been assigned to represent Respondents in the case of *Davis v. Neven*, 2:15-cv-01574-RFB-NJK, and as
9 such, have personal knowledge of the matters contained herein.

10 2. An answer to the First Amended Petition for Writ of Habeas Corpus (ECF No. 29) is
11 currently due on Monday, December 14, 2020. Respondents have been unable to timely complete their
12 answer and need additional time. Respondents seek an extension of forty-five days up to and including
13 Thursday, January 28, 2020.

14 3. During the course of preparation of the answer, I became aware that the transcript of the
15 September 4, 2019 evidentiary hearing was missing from case file. Unfortunately, at the time of the
16 redaction deadline, I was out on medical leave and a request for the transcript was overlooked. Later due
17 to a changeover in internal staffing efforts to secure the transcript again slipped through the cracks. A
18 new request was entered on November 30, 2020, however due to budget cuts related to COVID-19
19 counsel had to obtained approved from the office auditor for the expenses and did not obtain that approval
20 until December 11, 2020. While the transcript is now in hand, that left insufficient time to complete the
21 answer by the December 14, 2020 deadline. Additionally I have three answers due in federal court along
22 with an answering brief and oral argument in the 9th Circuit coming due in the next thirty days including
23 Malone 2:18-cv-01146, Wilson 2:19-cv-00549, Forsberg 3:19-cv-00037, Patterson 20-15635, and Minor
24 19-15822. Thus, I am seeking a forty-five-day extension to insure enough time to complete this project.

25 4. Respondents have conferred with counsel for Petitioner about this request and Petitioner's
26 counsel does not object to the requested extension.

27 5. This is the second request for an extension.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing ***MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (SECOND REQUEST)*** with the Clerk of the Court by using the CM/ECF system on December 14, 2020.

The following participants in this case are registered electronic filing system users and will be served electronically:

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/s/ L. Combs
An employee of the Office of the Attorney General