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8 Counsel for Petitioner James Anthony Davis.

9 UNITED STATES DISTRICT COURT  
 10 DISTRICT OF NEVADA

11 JAMES ANTHONY DAVIS,  
 12 Petitioner,  
 13 v.  
 14 D.W. NEVEN, et al.,  
 15 Respondents.

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

**MOTION FOR EXTENSION OF TIME  
 TO FILE AMENDED PETITION FOR  
 WRIT OF HABEAS CORPUS**

**(Third Request)**

17 Petitioner James Anthony Davis moves this Court for an extension of time of  
 18 90 days from February 26, 2017 to, and including, May 26, 2017, to file an Amended  
 19 Petition for Writ of Habeas Corpus. This motion is based on the attached points and  
 20 authorities and the record in this case.

21 Dated this 27th day of February, 2017.

22 Respectfully submitted,

23 RENE L. VALLADARES  
 24 Federal Public Defender

25 /s/ Amelia L. Bizzaro  
 26 AMELIA L. BIZZARO  
 Assistant Federal Public Defender

1 **POINTS AND AUTHORITIES**

2 1. On January 26, 2017, undersigned counsel filed an unopposed motion to  
3 extend the time for filing his amended petition by 120 days until May 26, 2017. *See*  
4 ECF No. 18.

5 2. On January 30, 2017, this Court granted that motion. *See* ECF No. 19  
6 at 3. However, on February 8, 2017, this Court entered a separate order resolving  
7 several prior motions and *pro se* pleadings that had been filed in the case. *See* ECF  
8 No. 20. In the course of doing so, this Court granted a preceding motion to extend and  
9 gave Davis until February 26, 2017 (not May 26, 2017) to file his amended petition.  
10 *Id.*

11 3. Because this Court's January 30, 2017 Order preceded its February 8,  
12 2017 order, Davis was concerned that the February 8 order may have overwritten the  
13 January 30 Order. Out of abundance of caution, he files this motion re-requesting the  
14 May 26, 2017 deadline for filing an amended petition for all of the same reasons  
15 articulated on January 26, 2017. *See* ECF No. 18.

16 4. For the reasons above, as well as the record in this case, Davis asks this  
17 Court to grant his request for an extension of time to file the amended petition and  
18 order the amended petition to be filed on or before May 26, 2017.

19 Dated this 27th day of February, 2017.

20 IT IS SO ORDERED:

21 

22  
23 RICHARD F. BOULWARE, II  
24 United States District Judge  
25 DATED this 13th day of March, 2017.

20 Respectfully submitted,

21 RENE L. VALLADARES  
22 Federal Public Defender

23 /s/ Amelia L. Bizzaro  
24 AMELIA L. BIZZARO  
25 Assistant Federal Public Defender

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 27, 2017, I electronically filed the foregoing  
3 with the Clerk of the Court for the United States District Court, District of Nevada  
4 by using the CM/ECF system.

5 Participants in the case who are registered CM/ECF users will be served by  
6 the CM/ECF system and include Deputy Attorney General Shane S. Chesney.

7 I further certify that some of the participants in the case are not registered  
8 CM/ECF users. I have mailed the foregoing documents by First-Class Mail, postage  
9 pre-paid, or have dispatched it to a third party commercial carrier for delivery  
10 within three calendar days, to the following non-CM/ECF participants:

11 James Anthony Davis  
12 No. 81111  
13 Lovelock Correctional Center  
14 1200 Prison Road  
15 Lovelock, NV 89419

16 */s/ Jessica Pillsbury*  
17 An Employee of the  
18 Federal Public Defender,  
19 District of Nevada  
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