1	MCGILLIVRAY LAW		
2	GIA MCGILLIVRAY, ESQ. Nevada Bar No. 008182 8275 S. Eastern Avenue, Suite 200-964 Las Vegas, Nevada 89123 Telephone: (702) 406-9401 Facsimile: (702) 478-6152		
3			
4			
5	Email: giamlaw@outlook.com		
6			
7	IN THE UNITED STATES DISTRICT COURT		
8	FOR THE DISTRICT OF NEVADA		
9	PHILLIP MINOR,	CASE NO. 2:15-cv-02005-RFB-PAL	
10	Petitioner,	UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND	
11	VS.	TO MOTION TO DISMISS FIRST AMENDED PETITION FOR WRIT OF	
12	BRIAN WILLIAMS., et al.,	HABEAS CORPUS (ECF NO. 18) (First Request)	
13	Respondents	(This Request)	
14	The Petitioner, Philip Minor (Mr. Minor), by and through his counsel of record, Gia		
15	McGillivray, and pursuant to Local Rule IA 6-1, hereby respectfully moves this Honorable Court		
16	for an extension of time of 7 judicial days to file a reply in opposition to Respondents' Motion to		
17	Dismiss First Amended Petition for Writ of Habeas Corpus ("Motion to Dismiss"). (ECF No. 18.)		
18	The reply is scheduled to be filed on September 20, 2017.		
19	1. On October 16, 2015, Mr. Minor filed an Application to Proceed in Forma Pauperis		

October 16, 2015, Mr. Minor filed an Application to Proceed in Forma Pauperis, (ECF No. 1), a Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody ,(ECF Nos. 1-1, 1-2), and an Ex Parte Motion for Appointment of Counsel (ECF No. 2).

23 2. On September 13, 2016, the Court issued an Order granting the Motion to Proceed 24 in Forma Pauperis and the Motion for Appointment of Counsel. (ECF No. 3.) Pursuant to the Order, the Federal Public Defender was appointed to represent Mr. Minor. (ECF No. 3.)

26 3. The Federal Public Defender responded to the Order on September 16, 2016, by filing a Notice of Conflict, advising that the Federal Public Defender could not undertake

28

27

20

21

22

25

1

1 || representation and requesting that the Court appoint alternate counsel. (ECF No. 5.)

4. On February 8, 2017, this Court appointed the undersigned to represent Mr. Minor.
 (ECF No. 8.) On September 13, 2017, Mr. Minor filed his First Amended Petition for Writ of
 Habeas Corpus. (ECF No. 14.)

5 5. On November 6, 2017, Respondents filed a Motion to Dismiss First Amended
6 Petition for Writ of Habeas Corpus. (ECF No. 18.) The Notice of Electronic filing noted Mr.
7 Minor's response as due on November 20, 2017.

6. Repondents have raised several bases for dismissal in their Motion, including timeliness, procedural default, exhaustion and failure to state a claim. Undersigned counsel requires a continuance to properly prepare a response in opposition to the Motion to Dismiss.

7.

Counsel has confirmed that Respondents do not oppose the requested extension.

For the reasons set forth above, Mr. Minor respectfully requests an extension of 7 judicial days to file a response in opposition to Respondents' Motion to Dismiss. This request is made in good faith and not for purposes of undue delay of the proceedings.

DATED this 20<sup>th</sup> day of November, 2017.

MCGILLIVRAY LAW

By: <u>/s/ Gia McGillivray</u> Gia McGillivray, Esq. Nevada Bar No. 008182

IT IS SO ORDERED:

RICHARD F. BOULWARE, II United States District Judge

DATED this 22nd day of November, 2017.

## **CERTIFICATE OF SERVICE**

1	CERTIFICATE OF SERVICE	
2	I hereby certify that on the date of filing of the document named below with the Clerk of	
3	the Court, I cause a true and correct copy to be served in the following manner:	
4	DOCUMENT(S) SERVED: MOTION TO WITHDRAW AS COUNSEL OF RECORD	
5	ELECTRONIC SERVICE: Pursuant to Local Rule LR 5-4 of the United States	
6	District Court for the District of Nevada, the above-referenced document was electronically filed	
7	and served on all appearing parties through the Notice of Electronic Filing automatically generated	
8	by the Court.	
9	UNITED STATES MAIL: By depositing a true and correct copy of the above-	
10	referenced document into the United States Mail with prepaid first-class postage, addressed to the	
11	parties at their last-known mailing address(es):	
12	Phillip Minor #21879 Lovelock Correctional Center	
13	1200 Prison Road Lovelock, NV 89419	
14	Lovelock, INV 89419	
15	OVERNIGHT COURIER: By depositing a true and correct copy of the above-	
16	referenced document for overnight delivery via a nationally-recognized courier, addressed to the	
17	parties listed below at their last-known mailing address.	
18	□ FACSIMILE: By sending the above-referenced document via facsimile to those	
19	persons listed on the attached service list at the facsimile numbers set forth thereon.	
20	EMAIL: By sending the above-referenced document via email to those persons at	
21	the email addresses set forth below:	
22		
23	/s/Gia McGillivray	
24	Gia McGillivray	
25		
26		
27		
28	3	
	Ŭ , j	