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**UNITED STATES DISTRICT COURT**

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**DISTRICT OF NEVADA**

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9 DUSTIN ANDERSON,

2:15-cv-02245-RFB-PAL

10 Petitioner,

**ORDER**

11 vs.

12 DWIGHT NEVIN, *et al.*,

13 Respondents.

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16 In this habeas corpus action, brought by Nevada prisoner Dustin Anderson, the Court  
17 appointed counsel for Anderson on February 5, 2016, counsel appeared for Anderson on March 9,  
18 2016, and, after a 120-day extension of time (from May 9, 2016), Anderson was due to file his first  
19 amended habeas petition by September 6, 2016. *See* Orders entered February 8, 2016 (ECF Nos. 7  
20 and 8); Notice of Appearance, filed March 9, 2016 (ECF No. 9); Order entered May 12, 2016 (ECF  
21 No. 11).

22 On September 6, 2016, Anderson filed a motion for extension of time (ECF No. 12),  
23 requesting a further 45-day extension of time, to October 21, 2016, to file his first amended petition.  
24 Anderson's counsel represented that the extension of time was necessary so that she could meet with  
25 Anderson a second time before filing his amended petition. Respondents did not oppose the motion  
26 for extension of time.

1 On October 21, 2016, Anderson filed his amended petition for writ of habeas corpus (ECF  
2 No. 13)

3 The court finds that Anderson's motion for a second extension of time was made in good  
4 faith and not solely for the purpose of delay, and that there is good cause for the requested extension  
5 of time. The court will grant the extension of time requested by Anderson, and will treat his  
6 amended petition as timely filed.

7 With his amended petition, Anderson filed several exhibits (ECF Nos. 14, 15), and a motion  
8 for waiver of LR IA 10-3(e), which concerns the form of the cover sheets to be included with  
9 exhibits (ECF No. 16). The court finds that, in light of the number of exhibits filed, and the limited  
10 resources of the Federal Public Defender, there is good cause for the waiver requested by Anderson.

11 **IT IS THEREFORE ORDERED** that petitioner's Motion for an Extension of Time (ECF  
12 No. 12) is **GRANTED**. Petitioner's amended habeas petition, filed October 21, 2016 (ECF No. 13)  
13 shall be treated as timely filed.

14 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further  
15 proceedings set forth in the order entered May 12, 2016 (ECF No. 11) shall remain in effect.

16 **IT IS FURTHER ORDERED** that petitioner's motion for waiver of LR IA 10-3(e) (ECF  
17 No. 16) is **GRANTED**. LR 1A 10-3(e) is waived for purposes of the exhibits filed by all parties in  
18 this action.

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20 **DATED** this 18th day of January, 2017.

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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE