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6
 7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

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10 GLENFORD BUDD,

11 Petitioner,

12 v.

13 RENEE BAKER, et al.,

14 Respondents.
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)
) Case No.: 2:16-cv-00613-RFB-BNW
)
)
) UNOPPOSED MOTION FOR
) EXTENSION OF TIME TO FILE
) SECOND AMENDED PETITION FOR
) WRIT OF HABEAS CORPUS
) (Fourth Request)
)
)

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 17 Petitioner GLENFORD BUDD, by and through his counsel, Angela H. Dows, Esq.,
 18 hereby moves this Court for a 30-day enlargement of time, up to and including January 22, 2020,
 19 by which to file his Second Amended Petition for Writ of Habeas Corpus. This is the fourth
 20 overall request for an extension of time. Said request is brought in good faith and not for
 21 purposes of delay.

22 Dated this 23rd day of December, 2019.

23
 24 Respectfully submitted,
 /s/ Angela H. Dows
 25 ANGELA H. DOWS, ESQ.
 1333 N. Buffalo Drive, Suite 210
 26 Las Vegas, Nevada 89128
 Appointed counsel for Glenford Budd
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MEMORANDUM OF POINTS AND AUTHORITIES

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1. That the instant matter involves a petition for writ of habeas corpus filed by a Nevada state prisoner pursuant to 28 U.S.C. § 2254.

2. That on May 29, 2018, attorney Mary Lou Wilson filed a first amended petition on behalf of Petitioner. (See Docket No. 23).

3. That attorney Mary Lou Wilson also filed 48 exhibits in support of the first amended petition. (See Docket Nos. 25, 26, 27, 28, 29).

4. That on October 9, 2018, the Court entered an order that dismissed Ground 12 of the first amended petition, and ordered that respondents have forty-five (45) days to answer or otherwise respond to the amended petition. (See Docket No. 30).

5. That on February 8, 2019, Mary Lou Wilson filed a motion to withdraw as counsel, and instant counsel was thereafter appointed on February 25, 2019. (See Docket Nos. 36, 38).

6. That on March 7, 2019, the Court entered an order that allowed Petitioner ninety (90) days, or on or before June 5, 2019, to serve a motion or notice indicating how petitioner wishes to proceed with this action.

7. That on June 5, 2019, Petitioner filed a motion for leave to file a second amended petition, along with a request for 60-days by which to file said petition. (See Docket No. 41.)

8. Petitioner’s motion was granted on July 3, 2019, with a deadline to file said second amended petition of on or before September 3, 2019. (See Docket No. 42.)

9. That a previously-filed exhibit list containing forty-eight (48) exhibits in total appeared to be on the low side for a triple-homicide case.

10. That in September of 2019, Petitioner was allowed a longer continuance of approximately 90 days after delving into the case and noticing that several exhibits as noted were

1 not included in the case, as well as mentioned in the petition. As an example, no pretrial motions
2 were included in the previously-filed petition(s).

3 11. Instant counsel, in approximately October of 2019, obtained additional case file
4 information from one or more prior counsels for Mr. Budd, in order to add to the petition and the
5 exhibits thereof.

6 12. That Petitioner's counsel is well into the process of preparing the amended
7 petition with the new exhibits as well as re-drafting the petition.

8 13. That Petitioner's counsel experienced an unexpected amount of leave from the
9 office in December of 2019 through an illness that caused the instant case to require a brief
10 amount of additional time to complete.

11 14. That this motion is not for purposes of delay, and is instead for purposes of being
12 able to amend a document and add several exhibits that was originally drafted by a different
13 attorney for Petitioner Budd, as well as have sufficient time to confer with Petitioner Budd in
14 general as well as in light of Petitioner Budd's custodial status.

15 15. That on December 20, 2019, instant counsel conferred with Deputy Attorney
16 General Erin L. Bittick as to whether she objected to the instant motion. Deputy Attorney
17 General Bittick advised that she did not object, however did not waive any defenses that may be
18 available.
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CONCLUSION

Wherefore, it is respectfully submitted that Angela H. Dows, Esq. be allowed leave of Court to file a second amended petition in the matter, with a filing deadline of thirty (30) days from entry of the order by which to submit said second amended petition. Said new requested deadline would be on or before January 22, 2020.

Respectfully submitted,

/s/ Angela H. Dows
ANGELA H. DOWS, ESQ.
CORY READE DOWS & SHAFER
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
Attorney for Petitioner Glenford Budd
Dated: December 23, 2019

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 27th day of December, 2019.

CERTIFICATE OF SERVICE

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The undersigned hereby affirms that a copy of the foregoing:

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
SECOND AMENDED PETITION FOR WRIT OF HABEAS CORPUS
(Fourth Request)

has been served on all counsel of record as listed below, via electronic transmission, pursuant to
local Order, as follows:

Erin L. Bittick
Deputy Attorney General, Post-Conviction Division
OFFICE OF THE NEVADA ATTORNEY GENERAL
100 N. Carson Street
Carson City, NV 89701-4717
Attorneys for Respondents

The following participant in this case is not a registered CM/ECF users and will be
served via first-class U.S. Mail:

Glenford Budd
ID: 90043
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, Nevada 89070-0208

DATED this 23rd day of December, 2019.

_____/s/
ANGELA H. DOWS, ESQ.