

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
3 JEREMY C. BARON  
Assistant Federal Public Defender  
4 District of Columbia Bar No. 1021801  
411 E. Bonneville Ave. Suite 250  
5 Las Vegas, Nevada 89101  
6 (702) 388-6577  
7 (702) 388-6419 (fax)  
jeremy\_baron@fd.org

8 Attorneys for Petitioner Ruben P. Perez

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

12 RUBEN P. PEREZ,

13 Petitioner,

14 v.

15 JO GENTRY, et al.,

16 Respondents.

Case No. 2:16-cv-00830-RFB-GWF

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME IN WHICH TO  
FILE OPPOSITION TO THE  
RESPONDENTS' MOTION TO  
DISMISS**

**(First Request)**

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19 Petitioner Ruben P. Perez respectfully moves this Court for an extension of  
20 time of sixty (60) days, from February 26, 2018, to and including April 27, 2018, in  
21 which to file an opposition to the respondents' motion to dismiss.  
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1 **POINTS AND AUTHORITIES**

2 1. Mr. Perez filed a counseled amended petition for a writ of habeas corpus  
3 in this Court on February 10, 2017. ECF No. 12. The respondents filed a motion to  
4 dismiss on February 12, 2018. ECF No. 26. Mr. Perez’s opposition to the motion to  
5 dismiss is due on February 26, 2018.

6 2. Undersigned counsel has been diligently working to prepare Mr. Perez’s  
7 opposition to the respondents’ motion to dismiss. However, counsel respectfully  
8 suggests that additional time is necessary in order to properly prepare the opposition.

9 3. The respondents’ motion to dismiss argues that Mr. Perez filed his pro  
10 se federal petition almost sixteen years after the expiration of the statute of  
11 limitations for federal habeas petitions. ECF No. 26 at 5. In order to respond to that  
12 argument, undersigned counsel intends to conduct additional factual development  
13 that may require additional time.

14 4. Undersigned counsel previously requested that counsel for the  
15 respondents provide various records from the Nevada Department of Corrections that  
16 have potential relevance to Mr. Perez’s opposition. While counsel for the respondents  
17 previously turned over some of those documents, undersigned counsel requested on  
18 February 23, 2018, that counsel for the respondents turn over additional documents  
19 with potential relevance to Mr. Perez’s opposition. Counsel for the respondents  
20 agreed to do so but, on information and belief, has not yet had a reasonable  
21 opportunity to begin assembling those documents.

22 5. Undersigned counsel spoke with Mr. Perez at length regarding the  
23 opposition on or about February 21, 2018. Additional conversations with Mr. Perez  
24 will likely prove necessary in order to properly prepare the opposition.

25 6. In recent months, undersigned counsel has been assigned as lead  
26 counsel to multiple new cases in which the client has or may have time remaining on

1 the federal statute of limitations. Given the hard-and-fast nature of the Section  
2 2244(d) deadline, and the ramifications of failing to file a thorough amended petition  
3 within the applicable statute of limitations, undersigned counsel has been prioritizing  
4 the review of those new cases in recent weeks.

5 7. Undersigned counsel has had many professional obligations in recent  
6 weeks, including, among others, motions for leave to conduct discovery and for an  
7 evidentiary hearing filed on January 17, 2018, in *Sawyer v. Baker*, Case No. 3:16-cv-  
8 00627-MMD-WGC (D. Nev.); a motion for leave to conduct discovery filed on January  
9 17, 2018, in *Howard v. Wickham*, Case No. 3:16-cv-00665-HDM-VPC (D. Nev.); an  
10 opposition to a motion to dismiss filed on January 22, 2018, in *Matlean v. Williams*,  
11 Case No. 3:16-cv-00233-HDM-VPC (D. Nev.); a petition for a writ of habeas corpus,  
12 along with a petition for genetic marker analysis, filed on February 15, 2018, in  
13 *Castillo v. Baker, et al.*, Case No. CR05-0560 (Nev. Second Judicial Dist. Ct.), and a  
14 deposition conducted on February 22, 2018, along with various other obligations in  
15 connection with discovery authorized by the Court, in *Slaughter v. Baker*, Case No.  
16 3:16-cv-00721-RCJ-WGC (D. Nev.).

17 8. Undersigned counsel has many additional professional obligations in  
18 the coming weeks, including, among others, a reply brief due on March 2, 2018, in  
19 *LaPena v. Grigas*, Case No. 15-16154 (9th Cir.); an oral argument scheduled on March  
20 12, 2018, in *Gutierrez v. State*, Case No. 16-15704 (9th Cir.); an amended petition  
21 due on March 14, 2018, in *Patterson v. State*, Case No. 2:17-cv-02131-JCM-GWF (D.  
22 Nev.); a reply in support of a petition due on March 20, 2018, in *Gonzalez v. Williams*,  
23 Case No. 2:15-cv-00618-RFB-CWH (D. Nev.); an opening brief due on March 21, 2018,  
24 in *Mercado v. State*, Case No. 74513 (Nev.); an opening brief due on March 30, 2018,  
25 in *Banuelos v. Smith*, Case No. 17-164889 (9th Cir.); and an amended petition due on  
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1 April 2, 2018, in *Guzman v. Attorney General*, Case No. 3:17-cv-00515-HDM-VPC (D.  
2 Nev.).

3 9. Therefore, undersigned counsel seeks an additional sixty (60) days, up  
4 to and including April 27, 2018, in which to file the opposition to the respondents'  
5 motion to dismiss. This is undersigned counsel's first request for an extension of time  
6 in which to file Mr. Perez's opposition.

7 10. On February 23, 2018, undersigned counsel contacted Deputy Attorney  
8 General Natasha M. Gebrael and informed her of this request for an extension of  
9 time. As a matter of professional courtesy, Ms. Gebrael had no objection to the  
10 request. Ms. Gebrael's lack of objection should not be considered as a waiver of any  
11 procedural defenses or statute of limitations challenges, or construed as agreeing  
12 with the accuracy of the representations in this motion.

13 11. This motion is not filed for the purpose of delay, but in the interests of  
14 justice, as well as in the interest of Mr. Perez. Counsel for Mr. Perez respectfully  
15 requests that this Court grant this motion and order Mr. Perez to file the opposition  
16 to the respondents' motion to dismiss no later than April 27, 2018.

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1 DATED this 26th day of February, 2018.

2 Respectfully submitted,  
3 RENE L. VALLADARES  
4 Federal Public Defender

5 */s/ Jeremy C. Baron*  
6 JEREMY C. BARON  
7 Assistant Federal Public Defender

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9 IT IS SO ORDERED:

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11 RICHARD F. BOULWARE, II  
12 United States District Judge

13 DATED this 28th day of February, 2018.  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 26, 2018, 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: Natasha M. Gebrael.

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

11 Ruben P. Perez  
12 No. 61761  
13 Southern Desert Correctional Center  
14 PO Box 208  
15 Indian Springs, NV 89070

16 */s/ Jessica Pillsbury*  
17 \_\_\_\_\_  
18 An Employee of the  
19 Federal Public Defender  
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