

1 AARON D. FORD  
Attorney General  
2 Michael J. Bongard (Bar. No. 7997)  
Deputy Attorney General  
3 State of Nevada  
Office of the Attorney General  
4 1539 Avenue F, Suite 2  
Ely, NV 89301  
5 (775) 289-1632 (phone)  
(775) 289-1653 (fax)  
6 [mbongard@ag.nv.gov](mailto:mbongard@ag.nv.gov)

7 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 MAX REED, II,

11 Petitioner,

12 vs.

13 WARDEN JO GENTRY, et al.,

14 Respondents.

Case No. 2:17-cv-00648-RFB-PAL

**MOTION FOR AN EXTENSION OF TIME  
TO FILE RESPONSE TO THE PETITION  
FOR WRIT OF HABEAS CORPUS  
(ECF NO. 10)**

**(Second Request)**

15  
16 Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada,  
17 and Michael J. Bongard, Deputy Attorney General, hereby move this court for a thirty (30) day  
18 enlargement of time, up to and including February 11, 2019, in which to submit the response to the  
19 petition filed in this matter. (ECF No. 10). The response is currently due January 11, 2019.

20 Respondents base this motion on the declaration of Counsel.

21 This is Respondents' second request for an extension of time in which to file an opposition and  
22 made in good faith and not for purposes of delay.

23 DATED this 10<sup>th</sup> day of January, 2019.

24  
25 AARON D. FORD  
Attorney General

26  
27 By: /s/ Michael J. Bongard  
Michael J. Bongard (Bar No. 007997)  
Deputy Attorney General  
28

1 **DECLARATION OF MICHAEL J. BONGARD**

2 1. I am a Deputy Attorney General employed by the Attorney General’s Office of the State  
3 of Nevada in the Post-conviction Unit, and I make this declaration on behalf of Respondents’ Motion for  
4 Enlargement of Time to file the response to the petition (Second Request) in the above-captioned case.  
5 By this motion, I am requesting an additional thirty (30) day enlargement of time, up to and including,  
6 February 11, 2019, to file and serve the response to the petition filed in this matter. The response is  
7 currently due January 11, 2019.

8 2. Counsel has three other federal pleadings due during the week of January 7, 2019. On  
9 January 7, 2019, Counsel filed the response to the amended petition in *Murray v. Williams*, Case No.  
10 2:12-cv-02212-RFB-VCF. Counsel also is filing the response to the amended petition in *Carmichael v.*  
11 *Gentry*, Case No. 2:16-cv-01142-RFB-GWF, and an opposition to a motion to amend in *Holden v.*  
12 *Nevins, et al.*, No. 2:14-cv-00668-JCM-GWF, on January 10, 2019.

13 3. In this matter, counsel has almost completed the response to the petition. However, even  
14 if Counsel completes the response to the petition in time to file on January 11, 2019, there are over three  
15 hundred (300) exhibits in the state court record. Counsel does not anticipate being able to file all exhibits  
16 by January 11, 2019.

17 4. For the reasons stated above, as well as the record in this case, counsel respectfully asks  
18 this Court to grant the request for an extension of time ~~of thirty (30) days~~ to file the response to the  
19 petition in this matter. due February 26, 2019.

20 DATED this 10<sup>th</sup> day of January, 2019.

21  
22 By: /s/ Michael J. Bongard  
Michael J. Bongard (Bar No. 007997)  
Deputy Attorney General

23 IT IS SO ORDERED:

24 **IT IS FURTHER ORDERED:** that [16] MOTION to  
25 Extend Time (First Request) re 10 Amended Petition for  
Writ of Habeas Corpus is denied as moot.

26   
27 RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

28 DATED this 19th day of February, 2019

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by  
3 using the CM/ECF system on the 10<sup>th</sup> day of January, 2019.

4 I certify that some of the participants in this case are not registered CM/ECF users. I have mailed  
5 the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party  
6 commercial carrier for delivery to the following non-CM/ECF participants:

7  
8 Max Reed, II, #1068078  
9 Southern Desert Correctional Center  
10 PO Box 208  
11 Indian Springs, NV 89070

12 /s/ D. Simon  
13 An Employee of the Office of the Attorney General  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28