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9
 10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 Clifford McClain,

13 Petitioner,

14 v.

15 Brian Williams, Warden, *et al.*,

16 Respondents.

Case No. 2:17-cv-00753-RFB-NJK

**Unopposed motion for an
 extension of time in which to file
 opposition to motion to dismiss**

(Third request)

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1 Petitioner Clifford McClain (“Mr. McClain”) moves for an extension of time of
2 fifteen (15) days, up to and including Wednesday July 21, 2021, to file an opposition
3 to Respondents’ motion to dismiss. Respondents do not oppose this request.

4 1. On July 9, 2019, this Court appointed the Federal Public Defender,
5 District of Nevada to Mr. McClain’s case. ECF No. 39.¹ Undersigned counsel filed Mr.
6 McClain’s Third Amended Petition for a Writ of Habeas Corpus on June 12, 2020.
7 ECF No. 48. On February 3, 2021, Respondents filed a Motion to Dismiss. ECF No.
8 58. Counsel requested a sixty (60) day extension for file his opposition, which was
9 granted by this Court. ECF No. 37. Counsel subsequently requested and was granted
10 an additional forty-five (45) days to file his opposition. ECF No. 62. For those reasons
11 detailed below, counsel seeks a final fifteen (15) day extension. Counsel does not
12 anticipate he will request any further extensions of time.

13 2. A third extension of time to file Mr. McClain’s opposition is merited on
14 account of various filing deadlines undersigned counsel recently had to meet.

15 3. Since his last request for an extension of time, counsel has had to
16 prepare and finalize claims for an amended habeas petition to be filed in early July
17 2021 in California state court in the capital habeas matter of *Maury v. Martel*, Case
18 No. F461346. Similarly, counsel has had to investigate and prepare claims for an
19 amended petition due also in July 2021 in Nevada state court in the capital habeas
20 matter of *Biela v. Gittere, et al.*, CR08-2605. Further, counsel has had to travel to Ely,
21 Nevada on multiple occasions to meet with clients. Further, counsel had to review
22 the record, investigate claims, and prepare an amended petition—filed on June 15,
23 2021—in the non-capital habeas matter of *Bautista v. Garrett, et al.*, 20-cv-00403-LRH
24 (D. Nev.). Finally, counsel has had to prepare and file numerous pre-trial motions in
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26 ¹ The appointment followed this Court entering an Order granting in part the
27 Respondents’ motion to dismiss Mr. McClain’s second amended, proper person
petition for habeas relief. ECF No. 39.

1 the out-of-district federal capital trial case *United States v. Schlesinger*, 18-cr-02719-
2 RCC-BGM (D. Ariz.).

3 4. Finally, the present request for an extension is unopposed. On July 6,
4 2021, counsel for Petitioner contacted Deputy Attorney Charles A. Finlayson via
5 email concerning this request for an extension of time. Mr. Finlayson has no objection
6 to the request.

7 5. This requested extension will permit counsel time to properly address
8 the Respondents' motion. The request is not made for the purposes of delay, but
9 rather in the interests of justice. Counsel does not anticipate any further extensions
10 will be needed.

11 WHEREFORE, counsel respectfully requests that this Court grant the request
12 for an extension of time to file Mr. McClain's Opposition to Motion to Dismiss to
13 Wednesday July 21, 2021.


14 Dated July 6, 2021.

15 Respectfully submitted,

16 Rene L. Valladares
17 Federal Public Defender

18 /s/ Martin L. Novillo
19 Martin L. Novillo
20 Assistant Federal Public Defender

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22 IT IS SO ORDERED:

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25 **RICHARD E. BOULWARE, II**
26 **United States District Court**

27 DATED this 8th day of July, 2021.