McClain v. Williams et al

Doc. 64

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

- 1. On July 9, 2019, this Court appointed the Federal Public Defender, District of Nevada to Mr. McClain's case. ECF No. 39.1 Undersigned counsel filed Mr. McClain's Third Amended Petition for a Writ of Habeas Corpus on June 12, 2020. ECF No. 48. On February 3, 2021, Respondents filed a Motion to Dismiss. ECF No. 58. Counsel requested a sixty (60) day extension for file his opposition, which was granted by this Court. ECF No. 37. Counsel subsequently requested and was granted an additional forty-five (45) days to file his opposition. ECF No. 62. For those reasons detailed below, counsel seeks a final fifteen (15) day extension. Counsel does not anticipate he will request any further extensions of time.
- 2. A third extension of time to file Mr. McClain's opposition is merited on account of various filing deadlines undersigned counsel recently had to meet.
- 3. Since his last request for an extension of time, counsel has had to prepare and finalize claims for an amended habeas petition to be filed in early July 2021 in California state court in the capital habeas matter of *Maury v. Martel*, Case No. F461346. Similarly, counsel has had to investigate and prepare claims for an amended petition due also in July 2021 in Nevada state court in the capital habeas matter of *Biela v. Gittere*, *et al.*, CR08-2605. Further, counsel has had to travel to Ely, Nevada on multiple occasions to meet with clients. Further, counsel had to review the record, investigate claims, and prepare an amended petition–filed on June 15, 2021–in the non-capital habeas matter of *Bautista v. Garrett*, *et al.*, 20-cv-00403-LRH (D. Nev.). Finally, counsel has had to prepare and file numerous pre-trial motions in

¹ The appointment followed this Court entering an Order granting in part the Respondents' motion to dismiss Mr. McClain's second amended, proper person petition for habeas relief. ECF No. 39.

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

- 4. Finally, the present request for an extension is unopposed. On July 6, 2021, counsel for Petitioner contacted Deputy Attorney Charles A. Finlayson via email concerning this request for an extension of time. Mr. Finlayson has no objection to the request.
- 5. This requested extension will permit counsel time to properly address the Respondents' motion. The request is not made for the purposes of delay, but rather in the interests of justice. Counsel does not anticipate any further extensions will be needed.

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

Dated July 6, 2021.

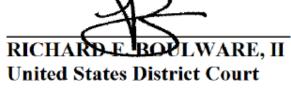
Respectfully submitted,

Rene L. Valladares Federal Public Defender

/s/Martin L. Novillo

Martin L. Novillo Assistant Federal Public Defender

IT IS SO ORDERED:



DATED this 8th day of July, 2021.