

1 Rene L. Valladares
 Federal Public Defender
 2 Nevada State Bar No. 11479
 3 *Martin L. Novillo
 Assistant Federal Public Defender
 4 Virginia State Bar No. 76997
 411 E. Bonneville Ave., Ste. 250
 5 Las Vegas, Nevada 89101
 6 (702) 388-6577
 Martin_Novillo@fd.org

7
 8 *Attorney for Petitioner Clifford McClain

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**

(Fourth request)

17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27

1 Petitioner Clifford McClain (“Mr. McClain”) moves for an extension of time of
2 two (2) days, up to and including Friday July 23, 2021, to file an opposition to
3 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 has since requested three extensions. ECF Nos. 59, 61, 63. For those
9 reasons detailed below, counsel seeks a final two (2) day extension.

10 2. A final and modest extension is merited on account of unexpected
11 pleadings undersigned counsel has had to file in other cases over the course of the
12 past two weeks. Specifically, counsel has had to file various pleadings in anticipation
13 of a habeas petition scheduled to be filed the week of July 19, 2021 in California state
14 court in the capital habeas matter of *Maury v. Martel*, Case No. F461346. Further,
15 counsel has had to prepare and file numerous pre-trial motions in the out-of-district
16 federal capital trial case *United States v. Schlesinger*, 18-cr-02719-RCC-BGM (D.
17 Ariz.). Specifically, counsel has had to file motions for bill of particulars, challenging
18 the Federal Death Penalty Act (FDPA), and requesting grand jury transcripts.

19 3. Counsel has almost completed the opposition to Respondents’ motion to
20 dismiss and does not anticipate additional extensions will be needed.

21 4. Finally, the present request for an extension is unopposed. On July 21,
22 2021, counsel for Petitioner contacted Deputy Attorney Charles A. Finlayson via
23 email concerning this request for an extension of time. Mr. Finlayson has no objection
24 to the request.

25
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 5. This requested extension will permit counsel time to properly address
2 the Respondents' motion. The request is not made for the purposes of delay, but
3 rather in the interests of justice.

4 WHEREFORE, counsel respectfully requests that this Court grant the request
5 for an extension of time to file Mr. McClain's Opposition to Motion to Dismiss to
6 Friday July 23, 2021.

7 Dated July 21, 2021

8 Respectfully submitted,

9 Rene L. Valladares
10 Federal Public Defender

11 /s/ Martin L. Novillo
12 Martin L. Novillo
13 Assistant Federal Public Defender

14
15 IT IS SO ORDERED:

16
17 
18 _____
19 **RICHARD E. BOULWARE, II**
20 **United States District Court**

21 DATED this 23rd day of July, 2021.
22
23
24
25
26
27