Doc. 67

Petitioner Clifford McClain ("Mr. McClain") moves for an extension of time of two (2) days, up to and including Friday July 23, 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 has since requested three extensions. ECF Nos. 59, 61, 63. For those reasons detailed below, counsel seeks a final two (2) day extension.
- 2. A final and modest extension is merited on account of unexpected pleadings undersigned counsel has had to file in other cases over the course of the past two weeks. Specifically, counsel has had to file various pleadings in anticipation of a habeas petition scheduled to be filed the week of July 19, 2021 in California state court in the capital habeas matter of *Maury v. Martel*, Case No. F461346. Further, counsel has had to prepare and file numerous pre-trial motions in the out-of-district federal capital trial case *United States v. Schlesinger*, 18-cr-02719-RCC-BGM (D. Ariz.). Specifically, counsel has had to file motions for bill of particulars, challenging the Federal Death Penalty Act (FDPA), and requesting grand jury transcripts.
- 3. Counsel has almost completed the opposition to Respondents' motion to dismiss and does not anticipate additional extensions will be needed.
- 4. Finally, the present request for an extension is unopposed. On July 21, 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.

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.

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.

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 Friday July 23, 2021.

Dated July 21, 2021

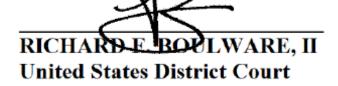
Respectfully submitted,

Rene L. Valladares Federal Public Defender

/s/Martin L. Novillo

Martin L. Novillo Assistant Federal Public Defender

IT IS SO ORDERED:



DATED this 23rd day of July, 2021.