

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

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 8 \*Attorney for Petitioner Clifford McClain

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 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  
 Reply to Respondents' Answer**

**(First request)**

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1           Petitioner Clifford McClain (“Mr. McClain”) moves for an extension of time of  
2 sixty-one (61) days, up to and including Monday April 4, 2022, to file his reply to  
3 Respondents’ answer to his petition for habeas relief. Respondents do not oppose this  
4 request.

5           1.       On July 9, 2019, this Court appointed the Federal Public Defender,  
6 District of Nevada to Mr. McClain’s case. ECF No. 39.<sup>1</sup> Undersigned counsel filed Mr.  
7 McClain’s Third Amended Petition for a Writ of Habeas Corpus on June 12, 2020.  
8 ECF No. 48. Respondents filed their answer to Mr. McClain’s petition on January 3,  
9 2022. ECF No. 77. Mr. McClain now seeks a sixty-one-day (61) extension of time to  
10 file his reply.

11           2.       An extension of time is merited on account of numerous filing deadlines  
12 and commitments undersigned counsel recently had to meet. Specifically, since  
13 January 3, 2022, counsel has had to invest a considerable amount of time drafting a  
14 reply due in February of 2022 in the capital habeas case *Hernandez v. Gittere et al.*,  
15 09-cv-00545-LRH (D. Nev.). In addition, counsel had to draft an opposition to a motion  
16 to dismiss filed on January 18, 2022 in the non-capital habeas matter of *Bautista v.*  
17 *Garrett et al.*, 20-cv-00403-LRH (D. Nev.). Counsel likewise had to draft and, on  
18 January 10, 2022, file an opposition to a motion to dismiss in the non-capital habeas  
19 matter of *Smith v. Garrett et al.*, 20-cv-01108-JAD (D. Nev.). Finally, counsel had to  
20 draft a petition for rehearing due with the Ninth Circuit on February 9, 2022 in the  
21 non-capital matter of *Sempier v. Baker, et al.*, 20-17249 (9th Cir.).

22           3.       Going forward, undersigned counsel has numerous deadlines, which  
23 further compel the present request for an extension of time. Specifically, counsel  
24 needs to finalize his reply in the above-referenced *Hernandez* matter. In addition, on  
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26           <sup>1</sup> 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 March 4, 2022, counsel will need to file an opening brief with the Ninth Circuit in the  
2 non-capital habeas matter of *Brown v. Williams, et al.*, 11-cv-01058-JCM (D. Nev.).  
3 Further, on March 29, 2022, counsel will need to file a reply with this Court in the  
4 non-capital habeas matter of *Zanini v. Baker, et al.*, 18-cv-00336-MMD (D. Nev.). The  
5 above-duties and responsibilities are in addition to counsel's busy caseload handling  
6 both non-capital and capital habeas matters currently pending in Nevada and out-of-  
7 state district courts for which he is carrying on various investigations and research  
8 and writing assignments.

9 4. Finally, the present request for an extension is unopposed. On February  
10 2, 2022, counsel for Petitioner contacted Deputy Attorney Charles A. Finlayson via  
11 email concerning this request for an extension of time. Mr. Finlayson has no objection  
12 to the request.

13 5. This requested extension will permit counsel time to properly address  
14 the Respondents' answer. The request is not made for the purposes of delay, but  
15 rather in the interests of justice.

16 WHEREFORE, counsel respectfully requests that this Court grant the request  
17 for an extension of time so that Mr. McClain can file his reply by Monday April 4,  
18 2022.


1 Dated February 2, 2022

2 Respectfully submitted,

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4 Rene L. Valladares  
5 Federal Public Defender

6 /s/ Martin L. Novillo  
7 Martin L. Novillo  
8 Assistant Federal Public Defender

9 IT IS SO ORDERED:

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13 **RICHARD E. BOULWARE, II**  
14 **United States District Court**

15 DATED this 3rd day of February, 2022.  
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