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8 Attorney for Petitioner Oscar Perez-Marquez

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

12 OSCAR PEREZ-MARQUEZ,,

13 Petitioner,

14 v.

15 JO GENTRY, ET AL.,,

16 Respondents.

Case No. 2:17-cv-01501-RFB-PAL

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE  
SECOND AMENDED PETITION FOR  
WRIT OF HABEAS CORPUS**

**(FIRST REQUEST)**

17  
18 Petitioner Oscar Perez-Marquez, by counsel, moves this Court for the entry of  
19 Order extending the time within which he must file a Second Amended Petition for  
20 Writ of Habeas Corpus by 91 days from April 9, 2018 to and including July 9, 2018.  
21 Perez-Marquez's request is based on the record in this case and the attached Points  
22 and Authorities. The state, by Deputy Attorney Sheryl Serreze, does not object to  
23 this request.  
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1 **POINTS AND AUTHORITIES**

2 1. On December 18, 2017 the Office of the Federal Public Defender was  
3 appointed as counsel for Petitioner, Oscar Perez-Marquez (ECF No.24). Undersigned  
4 counsel filed her appearance on February 7, 2018 (ECF No. 34).

5 2. This is Perez-Marquez’s first request for an extension of time. This  
6 motion is not filed for the purposes of delay but in the interests of justice, as well as  
7 in the interests of Perez-Marquez.

8 3. Counsel’s schedule and circumstances beyond her control have  
9 precluded her from meeting the current deadline of April 9, 2018. On February 27,  
10 2018, counsel travelled to Saguaro, AZ to meet with Perez-Marquez for the first time.  
11 At this meeting, counsel learned that extensive investigation may be necessary for  
12 the filing of an Amended Petition in his case. Furthermore, the office of the Federal  
13 Public Defender has been diligently trying to obtain prior counsel files, but to date,  
14 has not been able to gather all of prior counsels’ files. Furthermore, counsel has filed  
15 three petitions in the past 30 days, one of which had AEDPA time, and will file  
16 another petition on April 13, 2018. Counsel is preparing an evidentiary hearing in  
17 state court, and counsel has filed various other pleadings in the weeks prior.

18 4. On April 5, 2018, counsel e-mailed Deputy Attorney Sheryl Serreze  
19 regarding her requested extension. On April 5, 2018, she responded that she does not  
20 object to this request. However, Ms. Serreze’s lack of objection does not constitute a  
21 waiver of any procedural defenses Respondents may wish to raise in response to the  
22 amended petition including, but not limited to, timeliness, procedural default, and  
23 questions of exhaustion.

24 5. The requested extension is necessary for counsel to complete her review  
25 of the case and to draft and file the Amended Petition for Writ of Habeas Corpus. For  
26 these reasons, as well as the record in this case, Perez-Marquez respectfully asks this

1 Court to grant his request to extend the time for filing a Second Amended Petition by  
2 90 days until July 9, 2018.

3  
4 Dated this 9th day of April, 2018.

5 Respectfully submitted,

6 RENE L. VALLADARES  
7 Federal Public Defender

8 */s/ Kimberly Sandberg*  
9 KIMBERLY SANDBERG  
10 Assistant Federal Public Defender

11  
12 IT IS SO ORDERED:

13   
14 RICHARD F. BOULWARE, II  
15 United States District Court

16 Dated: April 11, 2018.  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on April 9, 2018, I electronically filed the foregoing with  
3 the Clerk of the Court for the United States District Court, District of Nevada by  
4 using the CM/ECF system.

5 Participants in the case who are registered CM/ECF users will be served by  
6 the CM/ECF system and include: Sheryl Serreze.

7 I further certify that some of the participants in the case are not registered  
8 CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage  
9 pre-paid, or have dispatched it to a third party commercial carrier for delivery within  
10 three calendar days, to the following non-CM/ECF participants:

11 Oscar Perez-Marquez  
12 No. 91579  
13 Saguaro Correctional Center  
14 1250 E Arica Rd  
15 Eloy, AZ 85131

14 */s/ Jessica Pillsbury*  
15 An Employee of the  
16 Federal Public Defender  
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