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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Lafayette D. Holmes, Jr.,

Petitioner,

Case No. 2:17-cv-01980-RFB-GWF

V.

Joe Gentry, *et al.*,

**Unopposed motion to extend time
to file second amended petition
(Second request)**

Respondents.

Mr. Holmes respectfully requests an extension of 45 days, up to and including Friday, May 31, 2019, to file his second amended petition. Respondents do not oppose.

POINTS AND AUTHORITIES

Holmes's current deadline to file the amended petition is April 16, 2019.¹ Mr. Holmes's counsel requires additional time to effectively represent Mr. Holmes and file an amended petition on his behalf.

Since Holmes's last request for an extension, both counsel and his family member fell ill and needed to go to urgent care for treatment. This impeded counsel's ability to complete the response in this matter by the deadline.

Further, the demands of other cases have prevented counsel from meeting the current deadline. Holmes's counsel completed and filed, on March 22, 2019, the last of several habeas corpus petitions due close in time. *See Morales v. Williams*, No. 2:18-cv-00583-GMN-CWH, ECF No. 12 (D. Nev. Feb. 4, 2019) (amended petition); *Garcia v. NDOC*, No. 2:17-cv-03095-JCM-CWH (D. Nev. Feb. 15, 2019) (amended petition); *Pough v. Gittere*, No. 3:18-cv-00191-MMD-CBC (D. Nev. Feb. 28, 2019) (amended petition); *Nicholson v. Baker*, No. 3:16-cv-00486-MMD-WGC, ECF No. 38 (D. Nev. March 5, 2019) (amended petition); *Garcia v. Dzurenda, et al.*, No. A-19-791171-W (Nev. 8th J. Dist. Ct. March 14, 2019) (state petition); *Cardenas v. Neven*, No. 3:15-cv-00476-MMD-CBC, ECF No. 39 (D. Nev. March 22, 2019) (amended petition).

Next, just last Wednesday (April 10, 2019), Holmes's counsel completed an extensive response to a motion to dismiss, filing that among other filings in the case of *Hermansen v. Baker*, 3:17-cv-00135-MMD-CBC (D. Nev.) (ECF Nos. 38–42).

Next, Holmes's counsel is in the process of completing and filing a response to a motion to dismiss in *Brown v. Baker*, No. 3:17-cv-00687-MMD-WGC (D. Nev.) by April 19, 2019, in addition to completing the amended petition in this case.

¹ ECF No. 18.

At the same time as completing the response due in *Brown*, counsel is preparing for a Ninth Circuit oral argument in San Francisco this Friday, on April 19, 2019, for the case of *Vincent v. Williams*, No. 17-16992 (9th Cir.). Holmes's counsel is also lead counsel in *Vincent*, and will be arguing the matter.

Because of the intervening illnesses and the demands of other cases, Holmes's counsel respectfully represents that another extension of time is necessary to adequately represent Holmes in this critical pleading.

On April 10, 2019, Deputy Attorney General Sheryl Serreze indicated by email respondents have no objection to the instant request for a 45-day extension.

This motion is not filed for the purposes of undo delay but in the interests of justice. For the reasons stated above, Holmes respectfully requests this court extend the deadline to file an amended petition by 45 days, up to and including Friday.

May 31, 2019.

Dated April 16, 2019.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/S. Alex Spelman
S. Alex Spelman
Assistant Federal Public Defender

IT IS SO ORDERED:

SB

RICHARD F. BOULWARE, II
United States District Judge

Dated: April 17, 2019

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

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

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

Lafayette D. Holmes
#1035895
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PO Box 1989
Ely, NV 89301

/s/ Arielle Blanck
An Employee of the
Federal Public Defender