

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *S. Alex Spelman
5 Assistant Federal Public Defender
6 Nevada State Bar No. 14275
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 alex_spelman@fd.org

11 *Attorney for Petitioner Lafayette D. Holmes, Jr.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Lafayette D. Holmes, Jr.,

Petitioner,

v.

Joe Gentry, *et al.*,

Respondents.

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

**Unopposed motion to extend time
to file second amended petition**

(Third request)

Mr. Holmes respectfully requests an extension of 20 days, up to and including Thursday, June 20, 2019, to file his second amended petition. Respondents do not oppose.

POINTS AND AUTHORITIES

Holmes's current deadline to file the amended petition is May 31, 2019.¹ Mr. Holmes's counsel requires an additional, brief extension time to effectively represent Mr. Holmes and file an amended petition on his behalf.

Since Holmes's last request for an extension, the demands of other cases have prevented his counsel from meeting the current deadline. *See, e.g., Vincent v. Williams*, No. 17-16992, ECF No. 40 (9th Cir. April 19, 2019) (oral argument); *Ross v. Neven*, No. 2:13-cv-01562-JCM-CWH, ECF No. 71 (D. Nev. April 29, 2019) (response in opposition to motion to dismiss); *Brown v. Baker*, No. 3:17-cv-00687-MMD-WGC, ECF No. 31 (D. Nev. May 3, 2019) (response in opposition to motion to dismiss); *Cardenas v. Baker*, No. PC-5364 (5th Jud. Dist. Ct. Nev. May 10, 2019) (state-court petition for writ of habeas corpus); *Morales v. Baker*, No. A-19-794622-W (8th Jud. Dist. Ct. Nev. May 10, 2019) (state-court petition for writ of habeas corpus); *Flores v. Williams*, No. A-19-794716-W (8th Jud. Dist. Ct. Nev. May 13, 2019) (state-court petition for writ of habeas corpus); *Morales v. Baker*, No. 2:18-cv-00583-GMN-CWH, EF No. 20 (D. Nev. May 15, 2019) (motion to stay).

Next, on May 15 and 17, 2019, counsel was in a courtroom-skills training. On May 23, 2019, counsel was in court all day for arrest duty. As a result of unexpected issues arising from this arrest duty, counsel has been drafting a detention appeal in *United States v. O'Hare*, No. 2:04-cr-00451-KJD-LRL (D. Nev.), which has a 14-day deadline and is due by June 6, 2019.²

Finally, on May 24–25, 2019, counsel was out of town for work, traveling to northern Nevada to meet with several clients in prison.

¹ ECF No. 21.

² See LR IB 3-5.

Accordingly, the above demands prevented counsel from meeting the current deadline in this case and necessitated the instant request for a brief extension in order for Holmes's counsel to adequately represent him in this critical pleading.

On May 29, 2019, Deputy Attorney General Sheryl Serreze indicated by email respondents have no objection to the instant request for a 20-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 20 days, up to and including Thursday,

June 20, 2019.

Dated May 31, 2019.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

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

IT IS SO ORDERED:

**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**

DATED this 3rd day of June, 2019.

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 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
Ely State Prison
PO Box 1989
Ely, NV 89301

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