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7 Attorneys for Petitioner Bryan Wayne Crawley

8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF NEVADA

11 BRYAN WAYNE CRAWLEY,
 12 Petitioner,
 13 v.
 14 BRAD CAIN, et al.,
 15 Respondents.

Case No. 2:17-cv-02086-RFB-CWH
**UNOPPOSED MOTION FOR AN
 ENLARGEMENT OF TIME IN WHICH
 TO FILE A FIRST AMENDED PETITION**
 (Second Request)

17 Petitioner Bryan Wayne Crawley moves this Court for an extension of time of
 18 ninety-one (91) days, from April 23, 2018, to and including Monday, July 23, 2018, to
 19 file an Amended Petition for Writ of Habeas Corpus. This motion is based upon the
 20 following declaration of counsel and the record in this case.

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1 amended petition is currently due on January 22, 2018. *See* ECF no. 5. Crawley now
2 requests this first extension of time for an additional 91 days, up to and including
3 Monday, July 23, 2018, to file an amended petition for the following reasons.

4 3. Counsel has only recently meet with Mr. Crawley, in Oregon to discuss, his
5 very complicated case and has conducted his initial meeting with his supervisor.
6 Based on these meetings it is incumbent on counsel to spend a significant amount of
7 time to review Mr. Crawley's huge record.¹ Furthermore, counsel was recently
8 involved in a car accident, which has necessitated counsel being out of the office.

9 4. Due to the above, an extension of time is necessary to provide counsel sufficient
10 time to: (1) review the extensive record in this case; (2) to obtain treatment for injuries
11 sustained in a recent car accident; and (3) allow counsel sufficient time to draft the
12 amended petition.

13 5. Counsel has contacted Senior Deputy Attorney General Heather Proctor. Ms.
14 Proctor had no objection to the request for an extension of time, with the caveat that
15 nothing about the decision not to oppose Petitioner's extension request signifies an
16 implied finding of a basis for tolling any applicable period of limitations or the waiver
17 of any other procedural defense. Petitioner at all times remains responsible for
18 calculating any limitations periods and understands that, in granting an extension
19 request, the Court makes no finding or representation that the petition, any
20 amendments thereto, and/or any claims contained therein are not subject to dismissal
21 as untimely.

22 6. This motion is not filed for the purpose of delay, but in the interests of justice,
23 as well as in the interest of Mr. Crawley. Nev. R. Prof. Conduct 1.1. I request that
24 this Court grant the request for an extension of time to file the amended petition to
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26 ¹ The State of Nevada sought the death penalty in Mr. Crawley's case, and his trial lasted almost a month.

1 Monday, July 23, 2018, to ensure the effective and thorough representation of Mr.
2 Crawley.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Dated this 23rd of April, 2018.

5 Respectfully submitted,

6 RENE L. VALLADARES
7 Federal Public Defender

8 */s/ T. Kenneth Lee*

9 T. KENNETH LEE
10 Assistant Federal Public Defender

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13 IT IS SO ORDERED:

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15 _____
16 RICHARD F. BOULWARE, II
17 United States District Judge

18 DATED this 24th day of April, 2018.
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on April 23, 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: Heather D. Procter

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 Bryan Wayne Crawley
12 NDOC #60853
13 No. 19960250
14 Snake River Correctional Institution
777 Stanton Blvd
Ontario, OR 97914

15 /s/ Dayron Rodriguez
16 An Employee of the
17 Federal Public Defender
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