

1 AARON D. FORD
Attorney General
2 Michael J. Bongard (Bar. No. 7997)
Senior Deputy Attorney General
3 State of Nevada
Office of the Attorney General
4 1539 Avenue F, Suite 2
Ely, NV 89301
5 (775) 289-1632 (phone)
(775) 289-1653 (fax)
6 mbongard@ag.nv.gov

7 *Attorneys for Respondents*

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 OMAR AYALA,

11 Petitioner,

12 vs.

13 BRIAN E. WILLIAMS, SR., et al.,

14 Respondents.

Case No. 2:17-cv-02093-RFB-VCF

**UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO FILE THE
RESPONSE TO THE FOURTH AMENDED
PETITION FOR WRIT OF
HABEAS CORPUS
(ECF NO. 46)**

15 Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada,
16 and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a thirty (30) day
17 enlargement of time, up to and including September 10, 2021, in which to submit the response to
18 Petitioner Omar Ayala's Fourth Amended Petition for Writ of Habeas Corpus by a Person in State
19 Custody Pursuant to 28 U.S.C. §2254. (ECF No. 23). The answer is currently due August 11, 2021.

20 Respondents base this motion on the declaration of Counsel.

21 This is Respondents' first request for an extension of time in which to file an answer and made in
22 good faith and not for purposes of delay.

23 DATED this 4th day of August, 2021.

24 AARON D. FORD
Attorney General

25 By: /s/ Michael J. Bongard
26 Senior Deputy Attorney General

1 AARON D. FORD
2 Attorney General
3 Michael J. Bongard (Bar. No. 7997)
4 Senior Deputy Attorney General
5 State of Nevada
6 Office of the Attorney General
7 1539 Avenue F, Suite 2
8 Ely, NV 89301
9 (775) 289-1632 (phone)
10 (775) 289-1653 (fax)
11 mbongard@ag.nv.gov

12 *Attorneys for Respondents*

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 OMAR AYALA,

16 Petitioner,

17 vs.

18 BRIAN E. WILLIAMS, SR., et al.,

19 Respondents.

20 Case No. 2:17-cv-02093-RFB-VCF

21 **DECLARATION OF**
22 **MICHAEL J. BONGARD**

23 1. I am a Deputy Attorney General employed by the Attorney General’s Office of the State
24 of Nevada in the Post-Conviction Division, and I make this declaration on behalf of Respondents’
25 Unopposed Motion for Enlargement of Time to file the response to the petition (First Request) in the
26 above-captioned case. By this motion, I am requesting a thirty (30) day enlargement of time, up to and
27 including, September 10, 2021, to file and serve the answer. The answer is currently due August 11,
28 2021.

29 2. Counsel took annual leave between July 13, 2021, and July 19, 2021 in order to visit his
30 family for the first time since December 2019.

31 3. Counsel just completed the draft of the answer brief in *Bejarano v. Gittere*, et al., Ninth
32 Circuit Case Number 11-99000 (death penalty case). Counsel also must complete the supplemental brief
33 in a state habeas corpus case, *Ferm v. Nevada Department of Public Safety*, et al, Eighth Judicial District
34 Court Case Number A-19-789688-W, due August 9, 2021. On July 27, 2021, Counsel also filed the
35 answer to the petition in another state habeas case, *Leal v. Hutchings*, Eight Judicial District Court Case
36 Number A-20-814369-W.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system on the 4th day of August, 2021.

The following participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

Kimberly Sandberg
Assistant Federal Public Defender
411 E. Bonneville, Suite 250
Las Vegas, NV 89101

/s/ Lisa M. Clark
An Employee of the Office of the Attorney General