

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

22 Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada, and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a thirty (30) day enlargement of time, up to and including February 9, 2022, in which to submit the reply to Petitioner Omar Ayala's Opposition to Motion to Dismiss Fourth Amended Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. §2254. (ECF No. 23). The response is currently due January 10, 2022. Respondents base this motion on the declaration of Counsel.

23 This is Respondents' first request for an extension of time in which to file the reply and made in good faith and not for purposes of delay.

24 DATED this 6th day of January, 2022.

25 AARON D. FORD
26 Attorney General

27 By: /s/ Michael J. Bongard
28 Michael J. Bongard (Bar No. 007997)
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
1539 Avenue F, Suite 2
Ely, NV 89301
(775) 289-1632 (phone)
(775) 289-1653 (fax)
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

**DECLARATION OF
MICHAEL J. BONGARD**

15 1. I am a Deputy Attorney General employed by the Attorney General's Office of the State
16 of Nevada in the Post-Conviction Division, and I make this declaration on behalf of Respondents'
17 Unopposed Motion for Enlargement of Time to file the reply to the opposition to motion to dismiss (First
18 Request) in the above-captioned case. By this motion, I am requesting a thirty (30) day enlargement of
19 time, up to and including, February 9, 2022, to file and serve the reply. The reply is currently due January
20 10, 2022.

21 2. Counsel just finished the draft of the Answering Brief in *Leal v. State*, Nevada Supreme
22 Court Case Number 83451. Counsel was also in Elko, Nevada on January 3, 2022, for the preliminary
23 hearing in *Himmelman v. State*, Elko Justice Court Case Number CR-F-21-6863.

24 3. Counsel will be out of the office from January 7, 2022, through January 13, 2022, to travel
25 to Wisconsin to assist a family member who will be undergoing a medical procedure.

26 4. On January 5, 2022, Counsel e-mailed opposing counsel, Kimberly Sandberg from the
27 Federal Public Defender Office, to determine whether she would oppose this request for enlargement of
28 time. Ms. Sandberg replied via e-mail stating that she does not oppose this motion.

1 For these reasons, Counsel respectfully asks this Court to grant the request for an extension of
2 time of thirty (30) days to file the response to the petition.

3 DATED this 6th day of January, 2022.

4 By: /s/ Michael J. Bongard
5 Michael J. Bongard (Bar No. 007997)
6 Senior Deputy Attorney General

7 IT IS SO ORDERED:
8



9
10 RICHARD F. BOULWARE, II
11 United States District Judge

12 DATED this 7th day of January, 2022.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 6th day of January, 2022.

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