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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
ANSWER TO THE FOURTH AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS
(ECF NO. 46)**

(First Request)

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16 Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada,
17 and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a sixty (60) day
18 enlargement of time, up to and including January 6, 2023, in which to submit the answer to the fourth
19 amended petition for writ of habeas corpus (ECF No. 46). The response is currently due November 7,
20 2022. Respondents base this motion on the declaration of Counsel.

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

23 DATED this 26th day of October, 2022.

24 AARON D. FORD
Attorney General

25 By: /s/ Michael J. Bongard
26 Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General
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1 *Reubart*, Seventh Judicial District Court (White Pine County) case number HC-2209012. Counsel also
2 filed pretrial motions, oppositions, and replies in the two cases in paragraph 5, below.

3 5. Counsel has also appeared for state court hearings in the following matter: 1.) Status
4 hearings in *State v. Georgantas*, Eighth Judicial District Court case number C-16-311820-1 on August
5 17, 2022, and September 12, 2022; 2.) On August 22, 2022, the arraignment in *State v. Banasiak*, Seventh
6 Judicial District Court case number CR-2205056 (White Pine County); 3.) On August 24, 2022, a
7 preliminary hearing in *State v. Brown*, Ely Justice Court case number 22-CR-00026-7k; 4.) On August
8 29, 2022, a change of plea hearing in *State v. Rojas-Rubio*, Seventh Judicial District Court case number
9 CR-2206062 (White Pine County); 5.) On August 31, 2022, argument on the Mandamus petition in *Leal*
10 *v. Nevada Department of Public Safety*, et al., Eighth Judicial District Court case number A-21-840493-
11 W; 6.) On September 8, 2022, two preliminary hearing in the Ely Justice Court in *State v. Ogunbanwo*,
12 case number 22-CR-00069-7k, and *State v. Robins*, case number 21-CR-00158-7k; 7.) On September 26,
13 2022, the sentencing hearing in *State v. Emanuel*, Seventh Judicial District Court (White Pine County)
14 case number CR-2003028; 8.) On September 30, 2022, a hearing on pretrial motions in *State v.*
15 *Himmelman*, Fourth Judicial District Court case number CR-22-29; 9.) On October 3, 2022, a sentencing
16 hearing in *State v. Morgan*, Seventh Judicial District Court (White Pine County) case number CR-
17 2202012, a change of plea and sentencing also in White Pine County in *State v. Hagerman*, case number
18 2202013, and a telephonic case management hearing in *Savage v. State*, Eleventh Judicial District Court
19 (Pershing County) case number 27CV-WR1-2020-0219; 10.) On October 7, 2022, Counsel traveled to
20 Elko for a settlement mediation in *State v. Himmelman*, Fourth Judicial District Court case number CR-
21 22-29; and 11.) On October 20, 2022, a case management hearing in *Wilson v. Russell*, Eleventh Judicial
22 District Court (Mineral County) case number 21CV-WR1-2021-0052.

23 6. Counsel has also been preparing for two multiple week trials in state court: The first trial,
24 *State v. Range*, and *State v. Escalante*, Seventh Judicial District Court case numbers CR-1910104 and
25 CR-1910105 (White Pine County), a murder trial originally set for November 1 through November 18,
26 2022, has been continued to July of 2023. The second trial, *State v. Himmelman*, Fourth Judicial District
27 Court case number CR-22-29, also a murder trial, is set for a change of plea on October 31, 2022. If the
28 case does not plea, trial is set for November 29, 2022, through December 9, 2022.

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 26th day of October, 2022.

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

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/s/ Amanda White

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