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 8 \*Attorney for Petitioner Roger Randolph

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 10 UNITED STATES DISTRICT COURT  
 11 DISTRICT OF NEVADA

12 Roger Randolph,  
 13 Petitioner,  
 14 v.  
 15 Jo Gentry, *et al.*,  
 16 Respondents.

Case No. 2:18-cv-00449-RFB-VCF  
**Motion for extension of time to file  
 second amended petition**  
**(First request)**

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1           On June 19, 2018, Roger Randolph filed, through counsel, an amended petition  
2 for writ of habeas corpus.<sup>1</sup> This Court granted Randolph leave to file a second  
3 amended petition.<sup>2</sup> Randolph, by counsel, moves this Court for an extension of time  
4 to file a second amended petition by 91 days from September 17, 2018 to and including  
5 December 17, 2018. Counsel emailed and called Senior Deputy Attorney General  
6 Heather D. Proctor to ask whether she objects to this request for an extension.  
7 Counsel has not received a response from Ms. Proctor. Ms. Proctor's voicemail  
8 message says she is out of the office until September 19, 2018.

9           Counsel met with Randolph for the first time on August 24, 2018. Through  
10 this meeting, counsel learned new information that made her aware that further  
11 investigation is necessary before filing a second amended petition. There are also  
12 additional records that counsel needs to obtain before filing a second amended  
13 petition. Counsel is in the process of obtaining these records and conducting this  
14 investigation.

15           The requested extension is necessary for counsel to complete her review of the  
16 case, to obtain records, to complete investigation, and to draft and file the second  
17 amended petition. For these reasons, Randolph respectfully asks this Court to grant  
18 his request to extend the time for filing a second amended petition by 91 days until  
19 December 17, 2018.

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26           <sup>1</sup> ECF No. 14.

27           <sup>2</sup> ECF No. 13.

1 Dated September 17, 2018.

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3 Respectfully submitted,

4 RENE L. VALLADARES  
5 Federal Public Defender

6 /s/ Kimberly Sandberg  
7 Kimberly Sandberg  
8 Assistant Federal Public Defender

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14 RICHARD F. BOULWARE  
15 United States District Judge

16 Dated: October 9, 2018.

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 17, 2018, I electronically filed the foregoing  
3 with the Clerk of the Court for the United States District Court, District of Nevada  
4 by 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 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  
10 within three calendar days, to the following non-CM/ECF participants:

11 Roger Randolph  
12 No. 1086077  
13 Lovelock Correctional Center  
14 1200 Prison Rd  
15 Lovelock, NV 89419

16 */s/ Adam Dunn*  
17 \_\_\_\_\_  
18 An Employee of the  
19 Federal Public Defender  
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