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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

**Unopposed Motion for extension of  
 time to file second amended  
 petition**

**(Third Request)**

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 December 17, 2018 to and including  
5 March 18, 2019. Counsel emailed Senior Deputy Attorney General Heather D.  
6 Procter to ask whether she objects to this request for an extension. Ms. Procter  
7 responded that she does not object, though this non-objection is not a waiver of any  
8 procedural defenses she wishes to raise.

9           Counsel has hired an expert to evaluate Randolph. Counsel has also ordered  
10 Randolph's I-file. Once counsel receives Randolph's I-file (which should be by next  
11 week), counsel will be able to complete drafting of the petition.

12           In addition, Counsel's schedule and circumstances beyond her control have  
13 precluded her from meeting the current deadline of March 18, 2019. At the end of  
14 February, counsel filed a petition for writ of habeas corpus with AEDPA time, which  
15 required investigation. Additionally, counsel filed an opening brief to the Nevada  
16 Supreme Court as well as reply brief in the Nevada Supreme Court at the end of  
17 February. Counsel is currently drafting time-sensitive (because of a new Supreme  
18 Court case) petitions in state court. Counsel also filed an over-sized reply to answer  
19 last week. Counsel is also travelling to Reno on March 15, 2019 to meet two new  
20 clients. Finally, counsel has been out of the office numerous days in March due to  
21 her own and family members' illnesses.

22           For these reasons, counsel respectfully asks this Court to grant Randolph's  
23 request to extend the time for filing an amended petition by 30 days until April 17,  
24 2019.

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26           <sup>1</sup> ECF No. 14.

27           <sup>2</sup> ECF No. 13.

1 Dated March 18, 2019.


2 Respectfully submitted,

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4 Rene L. Valladares  
5 Federal Public Defender

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

9 IT IS SO ORDERED:

10 IT IS FURTHER ORDERED THAT [18] MOTION to Extend Time (Second Request) to file  
11 second amended petition re 13 Order on Motion for Leave to File Document  
12 is denied as moot.

13  
14   
15 \_\_\_\_\_  
16 RICHARD F. BOULWARE, II  
17 UNITED STATES DISTRICT JUDGE

18 DATED this 19th day of March, 2019.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 18, 2019, 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  
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/ Jessica Pillsbury*  
17 \_\_\_\_\_  
18 An Employee of the  
19 Federal Public Defender  
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