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8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 ROGER RANDOLPH,  
 11 Petitioner,  
 12 vs.  
 13 RENEE BAKER, *et al.*,  
 14 Respondents.

Case No. 2:18-cv-00449-RFB-VCF

**MOTION FOR ENLARGEMENT OF TIME  
 TO RESPOND TO SECOND AMENDED  
 PETITION (ECF NO. 24)**  
**(FIRST REQUEST)**

15  
 16 Respondents move this Court for an enlargement of time of sixty (60) days from the current due  
 17 date of July 12, 2021, up to and including September 10, 2021, in which to file their response to the  
 18 Second Amended Petition (ECF No. 24). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule  
 19 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the first  
 20 enlargement of time sought by Respondents to respond to the Second Amended Petition, and the request  
 21 is brought in good faith and not for the purpose of delay.

22 DATED: July 12, 2021.

23 Submitted by:

24 AARON D. FORD  
 Attorney General

25 By: /s/ Erica Berrett  
 26 Erica Berrett (Bar. No. 13826)  
 Deputy Attorney General  
 27  
 28

**DECLARATION OF ERICA BERRETT**

1  
2 STATE OF NEVADA )  
3 ) ss:  
4 COUNTY OF CLARK )

5 I, ERICA BERRETT, being first duly sworn under oath, depose and state as follows:

6 1. I am an attorney licensed to practice law in all courts within the State of Nevada and am  
7 employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I am responsible  
8 to represent Respondents in *Roger Randolph v. Renee Baker, et al.*, Case No. 2:18-cv-00449-RFB-VCF,  
9 and as such, have personal knowledge of the matters contained herein.

10 2. This Motion is made in good faith and not for the purpose of delay.

11 3. The response to the Second Amended Petition (ECF No. 24) is currently due July 12,  
12 2021. I have been unable with due diligence to timely complete the Answer.

13 4. I became involved in this case in April 2021, entering my appearance on April 2, 2021.  
14 ECF No. 31. For three weeks during the month of April, I was on medical leave and unable to work.  
15 Additionally, from April to May 2021, I had two close family members pass away, further taking away  
16 time from work. Since then, I have been diligently trying to catch up on missed time, including working  
17 many nights, weekends, and holidays, but my focus has been required for an answer to a capital habeas  
18 petition in *Hernandez v. Gittere, et al.*, Case No. 3:09-cv-00545-LRH-WGC and for an answering brief in  
19 the Ninth Circuit appeal of habeas matter *Sempier v. Baker, et al.*, Case Nos. 20-17249; 3:18-cv-00465-  
20 RCJ-WGC, as well as for two time-sensitive state extradition matters. Thus, I have been unable to fully  
21 review the over 2,000-page state court record in this case and draft my response, so I need additional time.

22 5. I have contacted Petitioner’s counsel regarding this request, and she does not oppose.

23 6. Based on the foregoing, I respectfully request an enlargement of time of sixty (60) days,  
24 up to and including September 10, 2021, to respond to the Second Amended Petition.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on July 12, 2021.

27 **IT IS SO ORDERED:**

28 \_\_\_\_\_  
/s/ Erica Berrett  
Erica Berrett (Bar No. 13826)  
Deputy Attorney General

\_\_\_\_\_  


RICHARD F. BOULWARE, II  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing *Motion for Enlargement of Time to Respond to Second Amended Petition (First Request)* with the Clerk of the Court by using the CM/ECF system on July 12, 2021.

The following participants in this case are registered electronic filing system users and will be served electronically:

Kimberly Sandberg  
Assistant Federal Public Defender  
411 E. Bonneville Ave., Ste. 250  
Las Vegas, Nevada 89101

/s/ M. Landreth  
An employee of the Office of the Attorney General

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