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

10 CHARLES MCDONALD,

11 Petitioner,

12 vs.

13 WARDEN BRIAN WILLIAMS, *et al.*,

14 Respondents.

Case No. 2:19-cv-00261-RFB-DJA

**MOTION FOR EXTENSION OF TIME TO  
FILE ANSWER TO AMENDED PETITION  
FOR WRIT OF HABEAS CORPUS  
(ECF NO. 14)**

**(THIRD REQUEST)**

15  
16 Respondents move this Court for an enlargement of time of sixty-two days from the current due  
17 date of Tuesday, June 1, 2021 up to and including Monday, August 2, 2021 in which to file their answer  
18 to Petitioner's Amended Petition for Writ of Habeas Corpus. (ECF No. 14). This motion is made pursuant  
19 to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached affidavit  
20 of counsel.

21 This is the third enlargement of time sought by Respondents and is brought in good faith and not  
22 for the purpose of delay.

23 DATED June 1, 2021.

24 AARON D. FORD  
Attorney General

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26 By: /s/ Allison Herr  
Allison L. Herr (Bar No. 5383)  
Senior Deputy Attorney General  
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**DECLARATION OF ALLISON HERR**

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

4 I, Allison Herr, being first duly sworn under oath, depose and state as follows:

5 1. I am an attorney licensed to practice law in all courts within the State of Nevada and am  
6 employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have  
7 been assigned to represent Respondents in the case of *Charles E. McDonald v. Brian Williams*, 2:19-cv-  
8 00261-RFB-CWH, and as such, have personal knowledge of the matters contained herein.

9 2. An answer to the Amended Petition for Writ of Habeas Corpus (ECF No. 14) is currently  
10 due on Monday, June 1, 2021. Respondents have been unable to timely complete their answer in this  
11 matter and need additional time. Respondents are seeking an extension up to and including Monday,  
12 August 2, 2021.

13 3. Despite best efforts I have been unable to timely complete the answer in this matter as I  
14 had responses due in two state matters this past week, and an answer due May 28, 2021 in a matter that  
15 was on its fifth extension in *Malone* 2:18-cv-01146.

16 4. In the next thirty days I have two answering briefs due to the Nevada Supreme Court, an  
17 answering brief due to the 9<sup>th</sup> Circuit, and an evidentiary hearing in federal court, and a motion to dismiss,  
18 and two answers due in federal court. This is in addition to counsel's regular duties responding to state  
19 habeas matters.

20 5. Unfortunately, a number of unique issues arose that led to prior requests for extension,  
21 including workload, the unexpected loss of employees, certain Ninth circuit matters, and the medical  
22 treatment and the hospitalization of a family member. Further both the staff and attorneys at the Nevada  
23 Attorney General's office remain subject to unpaid furlough through June 30, 2021. Given these issues  
24 additional time is necessary for Respondent to complete their answer.

25 6. I have discussed this matter with opposing counsel and he does not object to my request  
26 for an extension.

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7. This is the third request for an extension.

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

Executed on this 1<sup>st</sup> day of June 2021.

/s/ Allison Herr  
Allison L. Herr (NV Bar No. 5383)

IT IS SO ORDERED:



\_\_\_\_\_  
RICHARD F. BOULWARE, II  
United States District Judge  
DATED this 4th day of June, 2021.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing *Motion for Extension of Time to File*  
3 *Answer to Petition for Writ of Habeas Corpus (Third Request)* with the Clerk of the Court by using the  
4 CM/ECF system on June 1, 2021.

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

7 Ron Y. Sung  
8 Assistant Federal Public Defender  
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11 Ron\_sung@fd.org

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