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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHARLES LEE RANDOLPH,

v.

TIMOTHY FILSON, *et al.*,

Respondents.

Case No. 3:08-cv-00650-LRH-VPC
ORDER

In this capital habeas corpus action, the respondents filed a motion to dismiss on March 23, 2018 (ECF No. 47). The petitioner, Charles Lee Randolph, was to respond to the motion to dismiss by May 22, 2018. See Order entered September 11, 2017 (ECF No. 36) (60 days for response). Randolph filed his response to the motion to dismiss on May 23, 2018, one day late (ECF No. 50).

On May 24, 2018, Randolph filed a motion for an extension of time (ECF No. 52), requesting that he be granted a one-day extension of time for the filing of his response to the motion to dismiss, rendering it timely filed. Randolph’s counsel acknowledges that the motion for extension of time was filed after the due date to be extended. The Court finds that Randolph’s counsel makes a showing of excusable neglect, in that he had computer problems with respect to the filing. See LR 26-4. The Court also finds that petitioner’s motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the extension of time requested.

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IT IS THEREFORE ORDERED that petitioner's Motion for Extension of Time (ECF No. 52) is **GRANTED**. Petitioner's response to the motion to dismiss (ECF No. 50) will be treated as timely filed.

IT IS FURTHER ORDERED that, in all other respects, the schedule for further proceedings set forth in the order entered September 11, 2017 (ECF No. 36) will remain in effect.

DATED this 24th day of May, 2018.



LARRY R. HICKS,
UNITED STATES DISTRICT JUDGE