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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Hugo Israel Cahuec,
15 Petitioner,
16 v.
17 Gregory Smith, *et al.*,
18 Respondents.

Case No. 3:09-cv-00113-RCJ-RAM

**Unopposed Motion for Extension
of Time to File a Reply to
Opposition to Motion for Leave to
File Second Amended Petition for
Writ of Habeas Corpus**

19 Petitioner, Hugo Israel Cahuec, through counsel, Assistant Federal Public
20 Defender Jonathan M. Kirshbaum, hereby moves this Court for an extension of time
21 of thirty (30) days from August 29, 2018, to and including September 28, 2018, in
22 which to file the Reply to Opposition to Motion for Leave to File Second Amended
23 Petition for Writ of Habeas Corpus. This motion is based upon the attached points
24 and authorities and all pleadings and papers on file herein.
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POINTS AND AUTHORITIES

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2 1. On June 7, 2018, Petitioner filed a Motion for Leave to File Second
3 Amended Petition (ECF No. 71). On August 22, 2018, Respondents filed their
4 Opposition to Motion for Leave to File Second Amended Petition.. (ECF No. 79).
5 Petitioner's Reply to Opposition to Motion for Leave to File Second Amended Petition
6 is currently due on or before August 29, 2018.

7 2. Counsel for Cahuec now seeks a first request for an extension of time of
8 thirty (30) days to file the Reply to Opposition to Motion for Leave to File Second
9 Amended Petition.

10 3. Counsel's schedule and circumstances beyond his control has precluded
11 him from meeting the current deadline of August 29, 2018. Since the time that the
12 opposition was filed, counsel has had to work on a Reply covering 15 issues. In
13 addition, counsel has had to go to medical appointments over the past week due to a
14 serious car accident back in July. A 30-day extension is necessary because counsel
15 has to work on two opening briefs and a cert petition. In addition, counsel has to
16 prepared a presentation for a national habeas corpus conference in September.
17 Finally, counsel is responsible for training and supervising a new attorney who
18 started working with the unit on August 12, 2018.

19 4. On August 28, 2018, Chief Deputy Attorney General Heidi Parry Stern
20 indicated to counsel via email she had no objection to this request.

21 5. Therefore, counsel seeks an additional thirty (30) days, up to and
22 including September 28, 2018, in which to file the Reply to Opposition to Motion for
23 Leave to File Second Amended Petition.

24 6. This motion is not filed for the purpose of delay, but in the interests of
25 justice, as well as in the interest of Cahuec. Counsel for Petitioner respectfully
26 requests that this Court grant this motion and order Petitioner to file the Reply to
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1 Opposition to Motion for Leave to File Second Amended Petition no later than
2 September 28, 2018.


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4 DATED this 29th day of August, 2018.

5 Respectfully submitted,

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7 Rene L. Valladares
8 Federal Public Defender

9 /s/ Jonathan M. Kirshbaum
10 Jonathan M. Kirshbaum
11 Assistant Federal Public Defender

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13 IT IS SO ORDERED:

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16 UNITED STATES DISTRICT JUDGE

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18 DATED: September 5, 2018

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