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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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8 AVRAM VINETO NIKA,

9 Petitioner,

3:09-cv-00178-JCM-WGC

10 vs.

ORDER11 TIMOTHY FILSON, *et al.*,

12 Respondents.

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15 In this capital habeas corpus action, the petitioner, Avram Vineto Nika, filed a second
16 amended petition for writ of habeas corpus on August 3, 2015 (ECF No. 73). Respondents filed a
17 motion to dismiss on May 12, 2016 (ECF No. 95). On October 7, 2016, Nika filed an opposition to
18 the motion to dismiss (ECF No. 132), and a motion for evidentiary hearing (ECF No. 133).

19 On October 7, 2016, Nika also filed a motion for an extension of time to file a motion for
20 leave to conduct discovery (ECF No. 134). Under the scheduling order in the case, any such motion
21 was to be filed by the due date for the response to the motion to dismiss, which was October 11,
22 2016. *See* Order entered September 14, 2016 (ECF No. 130); Order entered June 18, 2016 (ECF No.
23 68). Nika requests that the due date for a motion for leave to conduct discovery be extended to
24 October 24, 2016. Nika's counsel states that the extension of time is necessary because of her
25 obligations in other cases, and because of pre-planned vacation time. Respondents do not oppose the
26 motion for extension of time.

1 The court finds that the motion for extension of time is made in good faith and not solely for
2 the purpose of delay, and that there is good cause for the extension of time requested. The court will
3 grant the extension of time. *The court will not be inclined to further extend this deadline.*

4 The court will also set a new schedule for the further briefing of the motion to dismiss and
5 the motion for evidentiary hearing, to coordinate that briefing with the briefing of the anticipated
6 motion for leave to conduct discovery.

7 **IT IS THEREFORE ORDERED** that petitioner's motion for extension of time (ECF No.
8 134) is **GRANTED**. Petitioner shall have until and including **October 24, 2016**, to file a motion for
9 leave to conduct discovery.

10 **IT IS FURTHER ORDERED** that, after petitioner files a motion for leave to conduct
11 discovery, respondents shall have 30 days to file their reply in support of their motion to dismiss,
12 their response to the motion for evidentiary hearing, and their response to the motion for leave to
13 conduct discovery.

14 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
15 proceedings set forth in the order entered June 18, 2015 (ECF No. 68) shall remain in effect.

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17 Dated October 12, 2016.

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UNITED STATES DISTRICT JUDGE

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