

1

2

3

4

5

6

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

AVRAM VINETO NIKA,

v.

TIMOTHY FILSON, *et al.*,

Petitioner,

Respondents.

Case No. 3:09-cv-00178-JCM-WGC

ORDER

In this capital habeas corpus action, the respondents were due to file their response to the petitioner's reply by September 13, 2018. See Order entered September 6, 2018 (ECF No. 179). Respondents filed the response to the reply about one hour late, just before 1:00 a.m. on September 14, 2018 (ECF No. 181). Respondents filed, with their response to reply, a motion for extension of time, seeking the Court's approval of the tardy filing (ECF No. 180).

In the motion for extension of time, Respondents' counsel states that he worked diligently to get the response to reply filed by the deadline but was unable to do so. The Court finds that Respondents have shown excusable neglect for the slightly late filing. See LR 26-4.

IT IS THEREFORE ORDERED that the respondents' Motion for Enlargement of Time (ECF No. 180) is **GRANTED**. Respondents' Response to Reply (ECF No. 181) will be treated as timely filed.

1 **IT IS FURTHER ORDERED** that the deadline for the petitioner to file a reply in
2 support of his motion for discovery (ECF No. 166) and a reply in support of his motion for
3 evidentiary hearing (ECF No. 168) – **October 4, 2018** (see Order entered September 6,
4 2018 (ECF No. 179)) – remains in effect.

5

6 DATED September 19, 2018.

7

8

James C. Mahan
JAMES C. MAHAN,
UNITED STATES DISTRICT JUDGE

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28