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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

FERNANDO NAVARRO HERNANDEZ,

Case No. 3:09-cv-00545-MMD-CSD

Petitioner,

ORDER

v.

JOHN HENLEY, *et al.*,

Respondents.

In this capital habeas corpus action, the Court ordered the parties to file supplemental briefing—an amended answer by Respondents, an amended reply by Petitioner Fernando Navarro Hernandez, and a response to the amended reply by Respondents—in the wake of the Supreme Court’s decision in *Shinn v. Ramirez*, 596 U.S. 366 (2022). (ECF No. 307.) Respondents filed an amended answer on March 17, 2023. (ECF No. 317.) Hernandez filed his amended reply on August 14, 2023. (ECF No. 322.) On August 14, 2023, Hernandez also filed a motion for leave to conduct discovery (ECF No. 324), and a motion for evidentiary hearing (ECF No. 325). After a 30-day initial period, and further extensions of time of 44, 74, 59 and 90 days, Respondents were to respond to Hernandez’s amended reply, motion for leave to conduct discovery and motion for evidentiary hearing by June 6, 2024. (ECF Nos. 94, 327, 330, 332, 335.)


On June 6, 2024, Respondents filed another motion for extension of time (ECF No. 338), requesting a further 60-day extension, to August 5, 2024. Respondents’ counsel states that this extension of time is necessary because of obligations in other cases, time away from work, and a staffing shortage at the office of the Nevada Attorney General. Respondents’ counsel states that Hernandez, who is represented by appointed counsel, does not oppose the motion for extension of time.

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The Court finds that Respondents' 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 an extension of time. However, the Court also finds that the time it is taking for these filings is excessive. The Court will grant Respondents a 35-day extension, to July 11, 2024, instead of the 60-day extension requested, and the Court will not look favorably upon any motion to further extend this deadline.

It is therefore ordered that Respondents' Motion for Enlargement of Time (ECF No. 338) is granted in part and denied in part. Respondents will have until July 11, 2024, to file their responses to Petitioner's amended reply, motion for leave to conduct discovery and motion for evidentiary hearing. In all other respects, the schedule for further proceedings set forth in the order entered February 20, 2015 (ECF No. 94) will remain in effect.

DATED THIS 11th Day of June 2024.


MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE