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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 FERNANDO NAVARRO HERNANDEZ,

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

7 Petitioner,

ORDER

8 v.

9 JOHN HENLEY, *et al.*,

10 Respondents.

11 In this capital habeas corpus action, the Court ordered the parties to file
12 supplemental briefing—an amended answer by Respondents, an amended reply by
13 Petitioner Fernando Navarro Hernandez, and a response to the amended reply by
14 Respondents—in the wake of the Supreme Court’s decision in *Shinn v. Ramirez*, 596
15 U.S. 366 (2022). (ECF No. 307.) Respondents filed an amended answer on March 17,
16 2023. (ECF No. 317.) Hernandez filed his amended reply on August 14, 2023. (ECF No.
17 322.) On August 14, 2023, Hernandez filed a motion for leave to conduct discovery and
18 a motion for evidentiary hearing (ECF Nos. 324, 325.) Respondents filed their opposition
19 to the motion for evidentiary hearing on July 11, 2024. (ECF No. 340.) However,
20 Respondents now move for an 18-day extension of time to file their opposition to the
21 motion for discovery and their response to the amended reply. (ECF No. 341 (“Motion”).)
22 This is Respondents’ sixth request for an extension of this deadline. In this Court’s last
23 order, it stated that it would “not look favorably upon any motion to further extend this
24 deadline.” (ECF No. 339 at 2.)

25 Respondents’ counsel states that this extension of time is necessary because she
26 needs additional time even though she has diligently been working on this matter. (ECF
27 No. 341.) Respondents’ counsel explains that (1) she has prioritized this case “above all
28 other pleadings and work responsibilities,” and (2) she has made all possible efforts to

1 timely file the pleadings in this matter, including working weekends and holidays since the
2 last extension, working “multiple entire nights at the office” on this case, cancelling
3 prescheduled leave to spend time with her family from July 3 through July 7, and working
4 during her nonrefundable prescheduled vacation from June 13 to June 23. (*Id.*)
5 Respondents’ counsel states that Hernandez, who is represented by appointed counsel,
6 does not oppose the motion for extension of time. (*Id.*)

7 The Court finds that the Motion is made in good faith and not solely for the purpose
8 of delay, and that there is good cause for an extension of time. The Court will grant
9 Respondents’ 18-day extension, but the Court will again note that further requests for an
10 extension of this deadline will be viewed unfavorably.

11 It is therefore ordered that the Motion (ECF No. 341) is granted. Respondents have
12 up to and including July 29, 2024, to file their opposition to the motion for discovery and
13 their response to the amended reply.

14 DATED THIS 16th Day of July 2024.



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17 MIRANDA M. DU
18 CHIEF UNITED STATES DISTRICT JUDGE
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