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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Siaosi Vanisi,

Petitioner

v.

William Gittere, et al.,

Respondents

Case No. 3:10-cv-00448-CDS-CLB

**Order Granting Respondents' Motion to
Waive Compliance with LSR 3-3 and
Granting Petitioner's Motion for Extension
of Time**

[ECF Nos. 97, 98]

In this capital habeas corpus action, on April 21, 2023, respondents filed a motion (ECF No. 97) requesting that the court waive compliance with Local Rules LSR 3-3(c) and (d), which concern the filing of exhibits in habeas corpus cases. The rules state:

(c) The court disfavors the filing of duplicate exhibits. When amending a petition, the petitioner need not re-file his/her exhibits, but may refer to exhibits filed previously in the case. A party may, at any time, refer to any exhibits filed in the case by that party or any other party.

(d) The petitioner must number or letter his/her exhibits sequentially throughout the course of the action. Likewise, the respondents must, separately, number or letter their exhibits sequentially throughout the course of the action.

LSR 3-3(c) and (d). Respondents state in their motion that, because of the relatively long procedural history in this case, and the manner in which some exhibits have been filed in the past, they wish to file a complete set of exhibits, jointly with Vanisi, with new numbering, notwithstanding that some will be duplicates of exhibits filed earlier in the case so the exhibits are both comprehensive and well organized. Respondents' counsel represents that Vanisi, who is represented by appointed counsel, does not oppose this motion, and, indeed, Vanisi has not responded to it.

Based on the information set forth in the motion, I find there is good cause to grant the respondents' request and therefore I waive LSR 3-3(c) and (d) for this case.

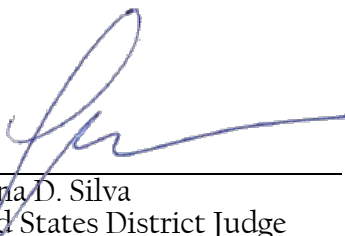
Vanisi was due to file a second amended habeas petition by May 5, 2023. *See* ECF No. 95. On May 5, 2023, Vanisi filed a motion for extension of time (ECF No. 98), requesting a 90-day

1 extension, to August 3, 2023, for his second amended petition. Vanisi's counsel states that the
2 extension of time is necessary because of his obligations in other cases. Vanisi's counsel
3 represents that respondents do not oppose the motion for extension of time. I find that the
4 motion for extension of time is made in good faith and not solely for the purpose of delay. I
5 further find there is good cause for the requested extension. Accordingly, Vanisi's motion for
6 extension of time is granted.

7 **IT IS THEREFORE ORDERED** that respondents' motion to waive compliance with
8 LSR 3-3 [ECF No. 97] is **GRANTED**. Respondents are granted leave of court to file a complete
9 set of exhibits, jointly with petitioner, with new numbering, as described in their motion to
10 waive compliance with LSR 3-3 (ECF No. 97).

11 **IT IS FURTHER ORDERED** that petitioner's motion for extension of time [ECF No.
12 **98**] is **GRANTED**. Petitioner will have until and including **August 3, 2023**, to file his second
13 amended habeas petition. In all other respects, the schedule for further proceedings set forth in
14 the order entered March 6, 2023, (ECF No. 95) will remain in effect.

15 DATED: May 8, 2023

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Cristina D. Silva
United States District Judge