

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 * * *

5 ROBERT ROYCE BYFORD,

6 Petitioner,

7 v.

8 WILLIAM GITTERE, *et al.*,

9 Respondents.

Case No. 3:11-cv-00112-JCM-WGC

**ORDER GRANTING
MOTIONS FOR EXTENSION OF TIME
(ECF NOS. 127, 128)**

10
11
12 In this capital habeas corpus action, the petitioner, Robert Royce Byford,
13 represented by appointed counsel, filed a third amended petition for writ of habeas
14 corpus on January 30, 2020 (ECF No. 92). Respondents filed a motion to dismiss the
15 third amended petition on September 25, 2020 (ECF No. 107). On February 24, 2021,
16 Byford filed an opposition to the motion to dismiss (ECF No. 116), along with a motion
17 for leave to conduct discovery (ECF No. 117) and a motion for evidentiary hearing (ECF
18 No. 119). After a 30-day initial period, a 45-day extension of time, and a 30-day
19 extension of time, Respondents were due on June 9, 2021, to file a reply in support of
20 their motion to dismiss, and responses to the motion for leave to conduct discovery and
21 motion for evidentiary hearing. See Order entered October 24, 2019 (ECF No. 88) (30
22 days for reply); Order entered March 31, 2021 (ECF No. 124) (45-day extension); Order
23 entered May 11, 2021 (ECF No. 126) (30-day extension).

24 On June 9, 2021, Respondents filed a motion for extension of time (ECF No.
25 127), requesting a further 7-day extension of time, to June 16, 2021. Then, on June 16,
26 2021, Respondents filed a further motion for extension of time (ECF No. 128),
27 requesting another two days, to June 18, 2021.

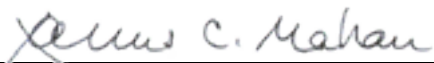
1 Respondents' counsel states that the extensions of time are necessary because
2 of his obligations in other cases.

3 The Court finds that Respondents' motions for extension of time are made in
4 good faith and not solely for the purpose of delay, and that there is good cause for the
5 extensions of time requested.

6 **IT IS THEREFORE ORDERED** that Respondents' Motions for Enlargement of
7 Time (ECF Nos. 127 and 128) are **GRANTED**. The time for Respondents to file a reply
8 in support of their motion to dismiss, and their responses to the motion for leave to
9 conduct discovery and motion for evidentiary hearing, is extended to June 18, 2021.
10 Those filings, made on that date, will be treated as timely filed.

11 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
12 proceedings set forth in the order entered October 24, 2019 (ECF No. 88) will remain in
13 effect.

14
15 DATED June 28, 2021.

16
17 
18 _____
19 JAMES C. MAHAN,
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28