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8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF NEVADA

10 ROBERT ROYCE BYFORD,
 11 Petitioner,
 12 vs.
 13 JEREMY BEAN, *et al.*,
 14 Respondents.

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

**UNOPPOSED MOTION FOR
 ENLARGEMENT OF TIME TO RESPOND
 TO REPLY AND TO MOTIONS FOR
 DISCOVERY AND EVIDENTIARY
 HEARING (ECF NOS. 209, 210, 211)**
(THIRD REQUEST)
(DEATH PENALTY)

17 Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada,
 18 hereby move this Court for an enlargement of time of forty-five (45) days from the current due date of
 19 January 28, 2025, up to and including March 14, 2025, in which to file their responses to Petitioner's
 20 reply (ECF No. 209), motion for discovery (ECF No. 210), and motion for evidentiary hearing (ECF No.
 21 211).

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1 This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice
2 and is based upon the attached declaration of counsel. This is Respondents' third request for enlargement
3 of time to file the responses, and the request is brought in good faith and not for the purpose of delay.

4 DATED: January 28, 2025.

5 Submitted by:

6 AARON D. FORD
7 Attorney General

8 By: /s/ Erica Berrett
9 Erica Berrett (Bar. No. 13826)
10 Senior Deputy Attorney General

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1 **DECLARATION OF ERICA BERRETT**

2 I, ERICA BERRETT, hereby declare, based on personal knowledge and/or information and
3 belief, that the following is true:

4 1. I am a Senior Deputy Attorney General in the Post-Conviction Division of the Office of
5 the Nevada Attorney General. I make this declaration on behalf of Respondents' motion for enlargement
6 of time.

7 2. The deadline to file the responses to the reply and the motions for evidentiary hearing and
8 discovery is currently January 28, 2025. I have been unable with due diligence to timely complete these
9 pleadings. Therefore, I am requesting a 45-day extension of time, up to and including March 14, 2025,
10 to file the responses.

11 3. This motion is made in good faith and not for the purpose of delay.

12 4. Since Respondents' previous request for enlargement of time in this case, I have had to
13 work on other federal habeas matters, including filing a motion to dismiss in capital habeas matter *Bolin*
14 *v. Bean, et al.*, Case No. 3:07-cv-00481-ART-CLB; and a motion to dismiss in *Douglas v. Gittere*, Case
15 No. 3:21-cv-00431-ART-CSD.

16 5. Additionally, since Respondents' previous request for enlargement of time, I continue to
17 have ongoing medical issues, for which I had three surgeries in the last quarter of 2024, and for which I
18 will require two to three additional surgeries in the first quarter of 2025. My next surgery is scheduled
19 for this week. As previously noted, each of these surgeries requires several medical appointments in
20 preparation for the surgery. The medical appointments and recovery time for each of these procedures
21 limits me from working the significant number of overtime hours that are typically necessary for me to
22 manage my caseload.

23 6. I have also been continuing to monitor the entire federal habeas caseload of a colleague
24 who is out on an extended medical leave. I have been assisting my colleague with drafting pleadings,
25 drafting motions for enlargement of time, or reassigning her cases as needed. This has been a significant
26 burden on my time, further limiting me from spending substantial time on the pleadings in this matter.

27 7. I contacted Petitioner's counsel regarding this request. Counsel does not oppose this
28 enlargement of time.

1 8. Based on the foregoing, I respectfully request an enlargement of time of 45 days, up to
2 and including March 14, 2025, in which to file the responses to the reply, motion for evidentiary hearing,
3 and motion for discovery.

4 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
5 correct.

6 Executed on January 28, 2025.

7 */s/ Erica Berrett*
8 Erica Berrett (Bar No. 13826)

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11 IT IS SO ORDERED:

12
13 *Jeremy C. Mahan*
14 UNITED STATES DISTRICT JUDGE

15 DATED: January 29, 2025
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of*
3 *Time to File Response to Reply and to Motions for Discovery and Evidentiary Hearing (ECF Nos. 209,*
4 *210, 211) (Third Request)* with the Clerk of the Court by using the CM/ECF system on January 28, 2025.

5 The following participants in this case are registered CM/ECF users and will be served by the
6 CM/ECF system:

7 Stacy M. Newman
8 Jocelyn S. Murphy
9 Emma L. Smith
Assistant Federal Public Defender
411 E. Bonneville Ave. Ste. 250
10 Las Vegas, Nevada 89101

11
12 /s/ C. Martinez
13 An employee of the Office of the Attorney General