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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LANCE REBERGER,

v.
STATE OF NEVADA, *et al.*,

Respondents.

Case No. 3:13-cv-00071-MMD-CLB

ORDER

On March 23, 2020, this court granted relief on ground 1 of Lance Reberger’s 28 U.S.C. § 2254 petition for a writ of habeas corpus. (ECF No. 104.) The Court directed that Reberger be released from custody within 60 days unless Respondents filed a written notice of election to retry him, and the State thereafter, within 180 days, commenced proceedings toward the retrial. (*Id.*)

Reberger, through counsel, has now filed a motion for an extension of the deadline for commencement of the retrial to August 27, 2021. (ECF No. 118.) As the Court has stated previously, the order granting habeas relief contemplates requests for reasonable modification of the time limits set forth in the order. (*See* ECF No. 104.) Respondents have indicated that they do not object to the extension. (ECF No. 121.) Accordingly, the motion to extend the deadline for commencement of retrial to August 27, 2021 is granted.

Also before the Court are two motions to extend the deadline of the retrial date that Reberger filed *pro se*. (ECF No. 120, 123.) Reberger is represented by the Federal Public Defender, and as the Court has previously stated in this case, a party who is represented by counsel cannot file pleadings or any other documents *pro se* without leave of the Court. *See* LR IA 11-6(a). The *pro se* motions are fugitive documents, and will be stricken.

It is therefore ordered that Reberger’s motion to extend the deadline for commencement of retrial to August 27, 2021 (ECF No. 118) is granted.

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It is further ordered that Respondents' motion to strike Reberger's *pro se* motion for extension of time (ECF No. 122) is granted.

It is further ordered that Reberger's two *pro se* motions for extension of time (ECF Nos. 120 and 123) are both denied. The Clerk of Court is directed to strike both motions.

It is further ordered that Respondents' motion for extension of time to respond to the motion to extend the deadline for commencement of trial (ECF No. 119) is granted *nunc pro tunc*.

DATED THIS 16th Day of March 2021.



MIRANDA M. DU, CHIEF JUDGE
UNITED STATES DISTRICT COURT