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8 Attorney for Petitioner **Gallegos**

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

12 FERNANDO GALLEGOS,
13 Petitioner,
14 v.
15 ISIDRO BACA, et al.,
16 Respondents.

Case No. 3:15-cv-00254-RCJ-VPC

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE A
REPLY TO THE STATE'S ANSWER**

(Fifth Request)

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18 COMES NOW the Petitioner, Fernando Gallegos, by and through counsel of
19 record, Jason F. Carr, hereby files this request for an extension of time of three weeks
20 to file Reply and Legal Memorandum in Support of his Amended Petition. Gallegos
21 requests an extension of thirty days. The Replay will now be due **June 6, 2020**.

22 This motion is based upon the attached Points and Authorities and all
23 pleadings and papers on file herein.
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1 **POINTS AND AUTHORITIES**

2 1. On February 16, 2017, this Court issued an Order granting Petitioner's
3 Motion for Leave to File a Third Amended Petition. (ECF No. 39.) On May 4, 2017,
4 Petitioner filed his Third Amended Petition. (ECF No. 42).

5 Respondents filed their Answer on November 8, 2019. (ECF No. 69.)

6 2. Petitioner Gallegos request an extension of time until **June 6, 2020**.

7 3. Counsel requests this time because of press of business and the
8 uncertainties caused by the COVID-19 outbreak.

9 4. Further, counsel took a new federal defender position in Washington
10 state. That commitment occurred before the current pandemic had gained any real
11 force. The position starts on July 1, 2020. The complications with preparing to move
12 in this environment also complicate preparing the Reply.

13 5. Counsel for Respondents do not object to this request for a continuance,
14 however the State requests that counsel for habeas petitioners make clear that
15 nothing about the decision not to oppose Petitioner's extension request signifies an
16 implied finding of a basis for tolling any applicable period of limitations or the waiver
17 of any other procedural defense. Petitioner at all times remains responsible for
18 calculating any limitations periods and understands that, in granting an extension
19 request, the Court makes no finding or representation that the petition, any
20 amendments thereto, and/or any claims contained therein are not subject to dismissal
21 as untimely.

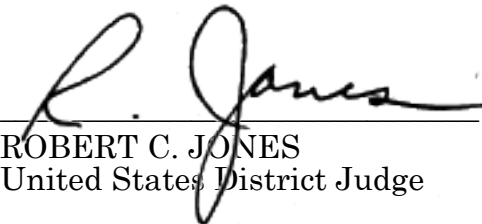
22 6. This motion is not filed for the purpose of delay, but in the interests of
23 justice, as well as in the interest of Mr. Gallegos. Counsel respectfully requests that
24 this Court grant the request for an extension of time to file his Reply on **June 6, 2020**,
25 in order for the effective and thorough representation of Mr. Gallegos in his federal
26 habeas action.

1 Dated: May 15, 2020.

2 Respectfully submitted,
3 RENE L. VALLADARES
4 Federal Public Defender

5 /s/ Jason F. Carr
6 JASON F. CARR
7 Assistant Federal Public Defender

8 It is hereby **ORDERED** that, good cause appearing herein, that Petitioner
9 Fernando Gallegos' Reply to Respondent's Answer is due on **June 6, 2020**.

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13 ROBERT C. JONES
14 United States District Judge

15 Dated: **May 20, 2020.**

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