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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICARDO IRIVE,

Petitioner,

Case No. 3:15-cv-00487-MMD-WGC

ORDER

v.

TIMOTHY FILSON, et al.,

Respondents.

In this habeas corpus action, on May 4, 2016, the Court appointed counsel for the petitioner, Nevada prisoner Ricardo Irive (ECF No. 22). On May 24, 2016, counsel appeared on behalf of Irive (ECF No. 23). On May 26, 2016, the Court entered a scheduling order (ECF No. 24), setting a schedule for further proceedings in the case, and granting Irive 120 days — to September 23, 2016 — to file an amended habeas petition or a notice stating that he will not amend his petition. The Court subsequently granted Irive an extension of time to December 16, 2016 — an 84-day extension.

On December 16, 2016, Irive filed a motion for extension of time (ECF No. 28), requesting another seven (7) days to file his amended petition. Irive's counsel states that the extension of time is necessary because further investigation became necessary, and because of his obligations in other cases. The respondents do not oppose the extension of time.

The Court finds that Irive's motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the requested extension of time. The Court will grant Irive's motion for this modest seven-day extension of time.

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However, in view of the amount of time that Irive will have had, with counsel, to file his amended petition (about seven months), the Court will not be inclined to further extend this deadline absent extraordinary circumstances.

It is therefore ordered that petitioner's motion for extension of time (ECF No. 28) is granted. Petitioner will have until December 23, 2016, to file an amended habeas petition or a notice stating that he will not amend his petition. In all other respects, the schedule for further proceedings set forth in the order entered May 26, 2016 (ECF No. 24) will remain in effect.

Dated this 16th day of December 2016.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE