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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

VALLIER WILLIAM TOMPKINS,

Case No. 3:16-cv-00444-MMD-WGC

Petitioner,

ORDER

v.

WARDEN BACA, *et al.*,

Respondents.

In this habeas corpus action, the petitioner, Vallier William Tompkins, represented by counsel, filed a second amended habeas petition on June 19, 2017 (ECF No. 21). Respondents filed a motion to dismiss on August 18, 2017 (ECF No. 30). Tompkins filed an opposition to the motion to dismiss on November 8, 2017 (ECF No. 36).

The scheduling order for this case was entered on September 20, 2016 (ECF No. 13). With respect to motions to dismiss, the scheduling order states:

*Briefing of Motion to Dismiss.* If respondents file a motion to dismiss, petitioner shall have sixty (60) days following service of the motion to file and serve a response to the motion. Respondents will thereafter have thirty (30) days following service of the response to file and serve a reply.

(Order entered September 20, 2016 (ECF No. 13) at 2.) Pursuant to that order, respondents have until December 8, 2017, to file a reply in support of their motion to dismiss.

On November 15, 2017, respondents filed a motion for extension of time (ECF No. 37), requesting an extension of time to December 15, 2017. Respondents characterize that as a 30-day extension of time; in fact, it would be a one-week extension.

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Respondents' counsel states that she needs the extension of time because she was out on annual leave from November 6 to 13, 2017, and because she is busy with other cases. Petitioner does not oppose the motion for extension of time. The Court finds that the motion for extension of time is made in good faith and not solely for the purpose of delay.

It is therefore ordered that respondents' Motion for Enlargement of Time (ECF No. 37) is granted. Respondents will have until December 15, 2017, to file a reply in support of their motion to dismiss. In all other respects, the schedule for further proceedings set forth in the order entered September 20, 2016 (ECF No. 13) will remain in effect.

DATED THIS 16<sup>th</sup> day of November 2017.

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE