

1 AARON D. FORD
Attorney General
2 ROBERT W. DeLONG, Bar No. 10022
Deputy Attorney General
3 State of Nevada
Bureau of Litigation
4 Public Safety Division
100 N. Carson Street
5 Carson City, NV 89701-4717
Tel: (775) 684-1120
6 E-mail: rdelong@ag.nv.gov

7 *Attorneys for Defendants*
Romeo Aranas, James Cox, Francisco
8 *Sanchez, and Brian Williams*

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 LEWIS WILLIAM STEWART,

13 Plaintiff,

14 vs.

15 ROMEO ARANAS, et al.,

16 Defendants.

Case No. 3:17-cv-00132-MMD-CBC

MOTION TO EXTEND THE DEADLINE TO
FILE MOTIONS FOR SUMMARY
JUDGMENT
(Second Request)

17
18 Defendants, Romeo Aranas, James Cox, Francisco Sanchez, and Brian Williams, by and
19 through counsel, Aaron D. Ford, Nevada Attorney General, and Robert W. DeLong, Deputy Attorney
20 General, hereby move to extend the deadline to file dispositive motions in this matter by 14 days to
21 allow Defendants time to finalize declarations that they intend to use in connection with a motion for
22 summary judgment.

23 This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff Lewis
24 Stewart (Plaintiff) is an inmate in the custody of the Nevada Department of Corrections (NDOC). This
25 Court granted Defendants' first request to extend these deadline on May 8, 2019. (ECF No. 41.) Federal
26 Rule of Civil Procedure 6(b)(1) governs enlargements of time and provides as follows:

27 When an act may or must be done within a specified time, the court may,
28 for good cause, extend the time: (A) with or without motion or notice if
the court acts, or if a request is made, before the original time or its

1 extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

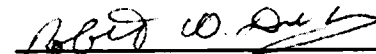
2 The proper procedure, when additional time for any purpose is needed, is to present a request
3 for extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge Line Co.*, 31 F.R.D.
4 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
5 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
6 F.R.D. 268 (N.D. Ohio 1947). The present deadline to file motions for summary judgment is today,
7 June 7, 2019. (ECF No. 41 at 2.)

8 Defendants seek an enlargement of time to file dispositive motions in this matter because they
9 are still attempting to finalize declarations that they intend to use in connection with a motion for
10 summary judgment. Defendants respectfully request that the deadline to file motions for summary
11 judgment in this matter be extended by 14 days. Defendants note that undersigned counsel has spoken
12 with Plaintiff regarding this request, and has agreed to not oppose any reasonable extensions to respond
13 to the motion for summary judgment, if any such extensions are required by Plaintiff. If granted, the
14 new deadline to file motions for summary judgment would be Friday, June 21, 2019.

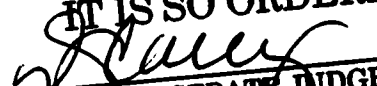
15 Good cause exists to extend the time to file this motion. This request is made in good faith and
16 not for the purpose of delay. Defendants respectfully submit that none of the parties will be prejudiced
17 by the extension of time sought.

18 DATED this 7th day of June, 2019.

19 AARON D. FORD
Attorney General

20
21 By: 
22 ROBERT W. DeLONG
Deputy Attorney General
23 Bureau of Litigation
Public Safety Division

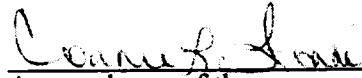
24 *Attorneys for Defendants*

25 **IT IS SO ORDERED**
26 
27 **U.S. MAGISTRATE JUDGE**
28 **DATED: 6/10/2019**

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on June 7, 2019, I caused to be deposited for mailing, a true and correct copy of the foregoing, **MOTION TO EXTEND THE DEADLINE TO FILE MOTIONS FOR SUMMARY JUDGMENT (Second Request)** on the following:

Lewis Stewart
4570 E. Saint Louis Avenue
Las Vegas, NV 89104


An employee of the
Office of the Attorney General

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28