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7 *Romeo Aranas, James Cox,*
Francisco Sanchez and Brian Williams

8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 LEWIS WILLIAM STEWART,
12 Plaintiff,
13 vs.
14 ROMEO ARANAS, et al.,
15 Defendants.

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

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

16 Defendants, Romeo Aranas, James Cox, Francisco Sanchez, and Brian Williams, by
17 and through counsel, Aaron D. Ford, Nevada Attorney General, and Robert W. DeLong,
18 Deputy Attorney General, hereby move to extend the deadline to file dispositive motions
19 in this matter by 5 days to allow Defendants time to finalize declarations that they intend
20 to use in connection with a motion for summary judgment. Defendants are still waiting
21 for one final signature prior to filing their Motion for Summary Judgment.

22 This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff
23 Lewis Stewart (Plaintiff) is an inmate in the custody of the Nevada Department of
24 Corrections (NDOC). This Court granted Defendants' first 30 day request to extend these
25 deadline on May 8, 2019 (ECF No. 41.), and their second 14 day request on June 10, 2019
26 (ECF No. 44).

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1 Federal Rule of Civil Procedure 6(b)(1) governs enlargements of time and provides
2 as follows:

3 When an act may or must be done within a specified time, the
4 court may, for good cause, extend the time: (A) with or without
5 motion or notice if the court acts, or if a request is made, before
6 the original time or its extension expires; or (B) on motion made
7 after the time has expired if the party failed to act because of
8 excusable neglect.

9 The proper procedure, when additional time for any purpose is needed, is to
10 present a request for extension of time before the time fixed has expired. *Canup v. Miss.*
11 *Val. Barge Line Co.*, 31 F.R.D. 282 (W.D. Pa. 1962). Extensions of time may always be
12 asked for, and usually are granted on a showing of good cause if timely made under
13 subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D. Ohio 1947). The
14 present deadline to file motions for summary judgment is today, June 21, 2019. (ECF No.
15 44 at 2.)

16 Defendants seek an enlargement of time to file dispositive motions in this matter
17 because they are still attempting to finalize declarations that they intend to use in
18 connection with a motion for summary judgment. Defendants are still waiting for one
19 final signature prior to filing their Motion for Summary Judgment.

20 Defendants respectfully request that the deadline to file motions for summary
21 judgment in this matter be extended by 5 days. If granted, the new deadline to file
22 motions for summary judgment would be Wednesday, June 26, 2019.

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

26 AARON D. FORD
27 Attorney General

28 **IT IS SO ORDERED**


U.S. MAGISTRATE JUDGE

By: 
ROBERT W. DELONG, Bar No. 10022
Deputy Attorney General

DATED: 6/26/2019

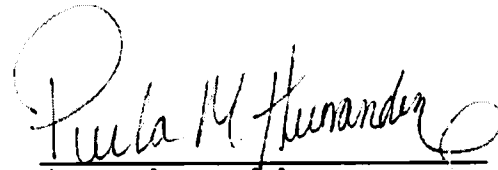
Attorneys for Defendants

No further extensions²
will be granted.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on June 21, 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 (Third Request)** on the following:

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



An employee of the
Office of the Attorney General

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