

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 MARCO GUZMAN,

5 Petitioner,

6 v.

7 WILLIAM GITTERE, *et al.*,

8 Respondents.

Case No. 3:17-cv-00515-HDM-CLB

ORDER

9
10 In this habeas corpus action, the petitioner, Marco Guzman, filed a reply to the
11 respondents' answer on June 5, 2023 (ECF No. 92). On that date, Guzman also filed a
12 motion for leave to conduct discovery (ECF No. 93) and a motion for evidentiary hearing
13 (ECF No. 94). The scheduling order (ECF No. 54) granted Respondents thirty days—
14 until July 5, 2023—to file responses to Guzman's reply, motion for leave to conduct
15 discovery and motion for evidentiary hearing.

16 On July 5, 2023, Respondents filed a motion for extension of time (ECF No. 95),
17 requesting a 75-day extension of time, to September 18, 2023. Respondents' counsel
18 states that she needs this extension of time because the post-conviction division of the
19 Attorney General's office "is currently understaffed, making [her] caseload
20 extraordinarily heavy." Motion for Extension of Time (ECF No. 95) at 3. Respondents'
21 counsel represents that Guzman, who is represented by appointed counsel, does not
22 oppose the motion for extension of time.

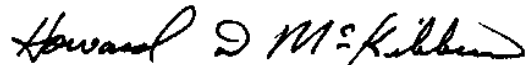
23 The Court finds that Respondents' motion for extension of time is made in good
24 faith and not solely for the purpose of delay, and that there is good cause for the
25 extension of time requested. The Court will grant this motion for extension of time.

26 However, given the nature of the filings at issue here, the length of this extension
27 of time, and the time that the briefing of the merits of this habeas petition has taken—
28 Respondents' motion to dismiss was resolved on *February 24, 2022*, and it took some

1 *ten months* for Respondents to file their answer (ECF Nos. 74, 84)—*the Court will not*
2 *further extend this deadline.* If Respondents do not file responses to Guzman’s reply,
3 motion for leave to conduct discovery and motion for evidentiary hearing by
4 September 18, 2023, the Court will rule on Guzman’s petition and motions without
5 benefit of those responses.

6 **IT IS THEREFORE ORDERED** that Respondents’ Motion for Enlargement
7 of Time (ECF No. 95) is **GRANTED**. Respondents will have until and including
8 **September 18, 2023**, to file responses to Petitioner’s reply, motion for leave to conduct
9 discovery and motion for evidentiary hearing. In all other respects, the schedule for
10 further proceedings set forth in the order entered January 19, 2021 (ECF No. 54) will
11 remain in effect.

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13 DATED THIS 5th day of July, 2023.

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HOWARD D. MCKIBBEN
UNITED STATES DISTRICT JUDGE