

1 AARON D. FORD
 2 Attorney General
 3 ANDREA M. DOMINGUEZ, Bar No. 15209
 4 Deputy Attorney General
 5 State of Nevada
 6 Public Safety Division
 7 100 N. Carson Street
 8 Carson City, Nevada 89701-4717
 9 Tel: (775) 684-1163
 10 E-mail: adominguez@ag.nv.gov

11 *Attorneys for Defendants*
 12 *James Dzurenda, Miguel Flores-Nava,*
 13 *Paul Hunt and Brian Williams*

14 **UNITED STATES DISTRICT COURT**
 15 **DISTRICT OF NEVADA**

16 CRAIG OTIS GIBSON,
 17 Plaintiff,
 18 v.
 19 JAMES DZURENDA, et al.
 20 Defendants.

Case No. 3:18-cv-00190-MMD-WGC

**ORDER GRANTING
 DEFENDANTS' MOTION FOR
 EXTENSION OF TIME
 TO FILE THE NOTICE OF
 ACCEPTANCE OF SERVICE
 (FIRST REQUEST)**

21 Defendants, James Dzurenda, Miguel Flores-Nava, Paul Hunt, and Brian Williams,
 22 by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Andrea
 23 M. Dominguez, Deputy Attorney General, hereby move for an extension of time to file the
 24 notice of acceptance of service. This motion is based on the following Memorandum of Points
 25 and Authorities and on all papers and pleadings on file.

26 ///

27 ///

28 ///

///

///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTUAL ANALYSIS**

3 This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Craig
4 Otis Gibson (Gibson) is an inmate in the custody of the Nevada Department of Corrections
5 (NDOC), currently housed at Ely State Prison, (ESP). Gibson alleges violations of the First,
6 Fourth, and Eighth Amendment of the United States Constitution. (ECF No. 111)

7 On October 20, 2020 Gibson filed a Second Amended Complaint. (ECF No. 112.) On
8 October 20, 2020 the Court entered an Order screening the second amended complaint, and
9 allowing Gibson to proceed on fourteen claims, naming forty two (42) total defendants.
10 (ECF No. 111.)

11 As counsel for Defendants was only recently assigned this case, Defendants
12 respectfully request an extension of time of thirty days to file the notice of acceptance of
13 service. Counsel requires additional time to familiarize herself with the claims and case.
14 Further, Plaintiff's Second Amended complaint names thirty one (31) new defendants. The
15 undersigned needs additional time to make a good faith effort to identify the new defendants.

16 **II. LEGAL STANDARD**

17 Rule 6(b)(1), Federal Rules of Civil Procedure, governs extensions of time and states:

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

22 Good cause exists to extend the time to file the notice of acceptance of service.
23 Defendants' request will not hinder or prejudice Plaintiff's case but will allow for a thorough
24 opportunity to try and identify the thirty one (31) additional defendants. The requested
25 extension of time should permit Defendants time to adequately research the named
26 individuals.

27 ///

28 ///

1 **III. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request that their motion for an
3 extension of time for a period of thirty days, to **December 3, 2020**, in which to file the
4 notice of acceptance of service be granted.

5 DATED this 4th day of November, 2020.

6 AARON D. FORD
7 Attorney General

8 By: /s/ Andrea M. Dominguez
9 ANDREA M. DOMINGUEZ, Bar No. 15209
10 Deputy Attorney General

Attorneys for Defendants

11 ORDER

12 IT IS SO ORDERED.

13 DATED: November 5, 2020.

14 William G. Cobb
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28