

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW WASHINGTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65998

FILED

FEB 27 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTION IN PART

Appellant has filed a motion for a third extension of time (80 days) to file the opening brief. In support of the motion, counsel states that she recently spoke to appellant for the first time and learned that she has not received portions of the discovery in this case from prior counsel, suffered from a cold and the flu, reinjured her ankle/foot, and has other cases that demand her attention. While we agree that these circumstances demonstrate that an extension of time is necessary, we are not convinced that an additional 80-day extension of time is warranted. *See* NRAP 31(b)(3)(B). We therefore grant the motion in part. Appellant shall have until April 20, 2015, to file and serve the opening brief and appendix.

This appeal was docketed in this court in July of 2014, more than seven months ago. Any further motions for an extension of time will not be viewed favorably and will not be granted absent demonstration of the most extraordinary circumstances and extreme need. *Id.* Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v.*

Grady, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the opening brief and appendix may result in the imposition of sanctions.

It is so ORDERED.

1. J. J. J. J. J., C.J.

cc: Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney