

IN THE SUPREME COURT OF THE STATE OF NEVADA

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RANDOLPH LYLE MOORE,

Appellant,

v.

RENE BAKER, et al.,

Respondents.

No. 66652

Electronically Filed
Oct 02 2015 10:41 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**REQUEST FOR EXTENSION OF
TIME WITHIN WHICH TO FILE
APPELLANT'S REPLY BRIEF**

(First Request)

Appellant Randolph Moore, through counsel, hereby requests an extension of time of ninety (90) days, to and including December 30, 2015, within which to file his reply brief. SCR 250 (7)(d); NRAP 31(a)(4)(b)(3). This request is supported by the attached declaration of counsel.

Dated this 1st day of October, 2015.

RENE L. VALLADARES
Federal Public Defender

RANDOLPH M. FIEDLER
Assistant Federal Public Defender
Nevada State Bar No. 12577
411 E. Bonneville Ave., Suite 250
Las Vegas, NV 89101
randolph_fiedler@fd.org

Attorneys for Appellant

DECLARATION OF RANDOLPH M. FIEDLER

I, Randolph M. Fiedler, declare as follows:

1. I am an attorney at law, admitted to practice before this Court, and employed by the Capital Habeas Unit of the Federal Public Defender, District of Nevada. I am assigned to represent Randolph L. Moore in this matter.

2. Respondent's filed their answering brief on September 1, 2015. Mr. Moore's reply brief is currently due on or before October 1, 2015. Counsel seeks an extension of time of ninety (90) days, up to and including December 30, 2015, within which to file and serve his reply brief.

3. I am requesting a 90-day continuance because I have not had adequate time to prepare Mr. Moore's reply brief due to other case related responsibilities. Specifically, due to a conflict of interest within the Federal Public Defender for the District of Arizona, our office received a case requiring the filing of a petition for writ of habeas corpus, Hampton v. Ryan, No. 2:14-cv-02504-ROS (D. Ariz); the statute-of-limitations AEDPA petition filing deadline for such petitions usually affords petitioners about a year to prepare and file their petition. By

the time our office received the case, we had roughly two and a half months of this time left. Such a petition requires counsel to collect records, review those records, investigate the case, develop claims, and draft the petition, in order to meet the October 5, 2015, filing deadline. This unanticipated statute-of-limitations deadline interfered with my ability to draft Mr. Moore's Reply Brief.

4. Since September 1, 2015, co-counsel, Ms. Hurst, drafted and filed a reply to respondent's objection to Walker's discovery motion, a reply to respondent's objection to the setting of an amended petition filing deadline, and an opposition to a motion to disqualify counsel in the U.S. District Court in Walker v. Baker, No. 2:15-cv-1240-RFB-GWF; and an Opening brief in the Ninth Circuit in Floyd v. Baker, No. 14-99012.

5. Additionally, co-counsel and I jointly and separately have the following future deadlines: in Echavarria v. Baker, No. 15-99001, an answering brief is set to be filed before the Ninth Circuit on October 9, 2014; in Doyle v. State, No. 62807, a petition for rehearing is due before this court on October 9, 2015; in Ybarra v. Baker, No. 13-17326, a reply brief is set to be filed before the Ninth Circuit on October 27, 2015; and

in Rogers v. Baker, No. 3:02-cv-342-GMN-VPC, briefing before the U.S. District Court is set to be filed on October 28, 2015; in Bollinger v. Baker, No. 15-99007, an opening brief set to be filed before the Ninth Circuit on November 5, 2015; a statute-of-limitation petition for writ of habeas corpus deadline before the U.S. District Court in Walker v. Baker, No. 2:15-cv-1240-RFB-GWF, on December 23, 2015. Several of these deadlines involve either prior extensions of time, or an immobile statute-of-limitations deadline.

6. Given these deadlines, it was simply not possible to complete Mr. Moore's Reply Brief by today, nor will it be possible to complete the reply brief until 90-days from today.

7. On October 1, 2015, I contacted Steven S. Owens, counsel for Respondents. He indicated that he does not oppose a thirty-day extension.

8. This request is not made solely for the purpose of delay, or for any other improper purpose, but only to ensure that this office provides competent representation to Mr. Moore. Nev. R. Prof. Conduct 1.1.

9. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 1, 2015, in Las Vegas, Nevada.

/s/ *Randolph M. Fiedler*
Randolph M. Fiedler
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 1st day of October, 2015. Electronic Service of the foregoing Certification Under NRAP 9(a) shall be made in accordance with the Master Service List as follows:

Steven S. Owens
Chief Deputy District Attorney
steven.owens@clarkcountynvda.com

/s/ Felicia Darensbourg
An Employee of the Federal Public
Defender, District of Nevada