

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS ALONSO HIDALGO, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71458

FILED

JUN 28 2017

FILED WITH ALE BROWN  
CLERK OF THE COURT  
BY *A. Wilcox*  
DEPUTY CLERK

*ORDER GRANTING MOTION IN PART*

Appellant has filed a motion for a second extension of time (60 days) to file the opening brief and appendix. When we granted appellant's previous motion, we stated that no further extensions would be permitted absent extraordinary circumstances and extreme need and that counsel's caseload would not normally be deemed such a circumstance. In support of the current motion, counsel cites her caseload and the need to meet with appellant. These same reasons were offered in support of the previous motion. We are not convinced that counsel's caseload or upcoming meeting with appellant constitutes an extraordinary circumstance or demonstrates extreme need warranting a second 60-day extension of time, especially considering that counsel has already had over 180 days to work on this appeal. Accordingly, we grant the motion only in part.

Appellant shall have until July 24, 2017, to file and serve the opening brief and appendix. Any additional extensions will be granted only on showing of extraordinary circumstances and extreme need. NRAP 31(b)(3)(B). Counsel's caseload normally will not be deemed such a

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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. NRAP 31(d).

It is so ORDERED.

Cherry, C.J.

cc: McLetchie Shell LLC  
Attorney General/Carson City  
Clark County District Attorney