

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Nov 13 2017 11:36 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

WILLIAM P. CASTILLO,

Petitioner/Appellant,

vs.

TIMOTHY FILSON, et al.,

Respondents/Appellees.

Supreme Court No. 73465

District Court Case No. C133336-1

(Death Penalty Habeas Corpus Case)

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

Appellant, William P. Castillo, by and through counsel, hereby
requests an extension of time of ninety (90) days, to and including

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February 12, 2018, to file his Opening Brief. This request is supported by the attached declaration of counsel.

DATED this 13th day of November, 2017.

Respectfully submitted
RENE L. VALLADARES
Federal Public Defender

/s/ Brad D. Levenson
BRAD D. LEVENSON
Assistant Federal Public Defender
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702-388-6577

Attorneys for William P. Castillo

DECLARATION OF BRAD D. LEVENSON

I, Brad D. Levenson, 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 William P. Castillo in this matter.

2. The Opening Brief in this case is currently due on November 14, 2017. I am seeking an extension of time of ninety (90) days, up to and including February 12, 2018 within which to file and serve this Opening Brief.

3. I am requesting a ninety (90) day continuance because I have not had adequate time to prepare Mr. Castillo's opening brief due to other case related responsibilities. Specifically, since filing the Notice of Appeal in this case, I have had the following filings or case related responsibilities: on September 28, 2017, a Motion for Partial Reconsideration before the U.S. District Court in Castillo v. Filson, No. 2:04-cv-868-RCJ-GWF; and on October 9, 2017, an oral argument in Chappell v. Filson, No. C131341. Further, and most importantly, over

the last three months I have been traveling to Northern Nevada and preparing witnesses and materials in anticipation of an evidentiary hearing in Bollinger v. Filson, No. 93-0623. The first day of the hearing took place on November 2, 2017 in Reno, Nevada, and the second day is scheduled for November 15, 2017. Moreover, as lead counsel I am preparing a federal petition for writ of habeas corpus in Leza v. Davies, No. SA-17-CA-101-FB, which is due January 10, 2018. Because this case is in the Western District of Texas, I have had to travel to Texas to visit the client.

4. Given these responsibilities, it was simply not possible for me to complete Mr. Castillo's Opening Brief by the deadline. The additional time requested here is necessary for me to devote the attention required to competently represent Mr. Castillo. I do not anticipate any additional requests for an extension of time.

5. On November 13, 2017, I contacted Steven S. Owens, Chief Deputy District Attorney, opposing counsel in this matter. He indicated no opposition to this request.

6. 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. Castillo. Nev. R. Prof. Conduct 1.1.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on November 13, 2017, in Las Vegas Nevada.

/s/ *Brad D. Levenson*
BRAD D. LEVENSON

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 13th day of November, 2017, electronic service of the foregoing REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S OPENING BRIEF shall be made in accordance with the Master Service List as follows:

Steven S. Owens
Chief Deputy District Attorney-Criminal
steven.owens@clarkcountyda.com

/s/ Stephanie Young
An Employee of the
Federal Public Defender,
District of Nevada