

Case No. 78209

Supreme Court of Nevada

Electronically Filed
Oct 31 2022 08:49 AM
Elizabeth A. Brown
Clerk of Supreme Court

Siaosi Vanisi,

Petitioner/Appellant,

vs.

William Reubart,¹ *et al.*,

Respondent/Appellee.

**Motion to Extend Stay of
Remittitur Pending Final
Disposition of Petition for
Writ of Certiorari**

DEATH PENALTY CASE

Rene L. Valladares
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Counsel for Petitioner/Appellant

¹ William Reubart is substituted for William Gittere as Warden of Ely State Prison. Fed. R. Civ. P. 25(d).

Appellant Siao Si Vanisi hereby moves for an order extending the stay of the remittitur and execution of judgment of this Court to allow Mr. Vanisi's Petition for Writ of Certiorari to be reviewed and for the Respondent to file their brief in the Supreme Court of the United States.

Dated this 31st day of October, 2022.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ *Randolph M. Fiedler*

Randolph M. Fiedler
Assistant Federal Public Defender

POINTS AND AUTHORITIES

NRAP 41(b)(3)(A) provides for a stay of the issuance of this Court's remittitur pending filing of a petition for certiorari in the United States Supreme Court. "A party may file a motion to stay the remittitur pending application to the Supreme Court of the United States for a writ of certiorari." The rule contemplates a stay of 120 days unless good cause is shown. Once the petition is filed, "the stay shall continue until final disposition by the Supreme Court of the United States." NRAP 41(b)(3)(B).

This is a death penalty case. Appellant has raised federal constitutional issues that are subject to review by the United States Supreme Court. Counsel for Mr. Vanisi has sought review by filing a petition for certiorari on October 15, 2022.

This Court granted Mr. Vanisi's original request for a stay on May 31, 2022, and then extended the stay until today, October 31, 2022 unless the Court received written notice from "the clerk of the United States Supreme Court that appellant has filed a petition for writ of certiorari". See Order (Sept. 19, 2022); *see also* Order (May 31, 2022).

Mr. Vanisi filed his petition for writ of certiorari on October 15, 2022. *See Vanisi v. Reubart*, No. 22-5851.

Thus, Mr. Vanisi requests that this Court extend the stay in this case pending final resolution of his petition for writ of certiorari.

Accordingly, this Court should continue the stay issuance of remittitur pending the final disposition of a petition for writ of certiorari.

DATED this 31st day of October, 2022.

Respectfully submitted
Rene L. Valladares
Federal Public Defender

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

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2022, I electronically filed the foregoing document with the Nevada Supreme Court by using the appellate electronic filing system. The following participants in the case will be served by the electronic filing system:

Jennifer P. Noble
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/s/ Sara Jelinek
An Employee of the
Federal Public Defender