

In the Supreme Court of the State of Nevada

Case No. 80255

Evaristo Jonathan Garcia,

Appellant,

v.

James Dzurenda, et al.,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

**Unopposed Motion for Extension of Time to File Reply
Brief**

Appellant Evaristo Jonathan Garcia respectfully moves this Court for an order extending the time in which he must file his Reply Brief by 30 days from August 2, 2021, to September 1, 2021. Counsel for Respondents, Karen Mishler, does not object to this request.

This is Mr. Garcia's first request for an extension of this deadline. This motion is not filed for the purposes of delay but in the interests of justice, as well as the interests of Mr. Garcia.

This appeal was suspended pending the completion of an evidentiary hearing in district court and an ultimate ruling on Mr. Garcia's post-conviction petition for a writ of habeas corpus. The

hearing was conducted on September 21, 2020, and the final Findings of Fact, Conclusions, of Law, and Order was entered on January 20, 2021. Mr. Garcia filed his Opening Brief on May 3, 2021. Respondents filed their Answering Brief on July 2, 2021.

Undersigned counsel respectfully asserts that additional time is needed to complete this briefing. Counsel has been diligently working on Mr. Garcia's case, but briefing is not yet complete.

In addition to the time spent on Mr. Garcia's case, counsel's responsibilities in other cases contribute to the need for an extension of time. Since Respondents' Answering Brief was filed on July 2, undersigned counsel has filed an amended federal habeas petition, a reply in support of a federal habeas petition, an opposition to a motion to dismiss a federal habeas petition, and a motion for discovery in federal court. Counsel also had oral argument in the Ninth Circuit Court of Appeals on Friday, July 30, 2021. Moreover, counsel was out of the office for several days visiting clients.

For these reasons, counsel asks this Court to grant Mr. Garcia's request to extend the time for filing a Reply Brief by 30 days until

September 1, 2021.

Dated August 2, 2021.

Respectfully submitted,
Rene L. Valladares
Federal Public Defender

/s/ Emma L. Smith

Emma L. Smith

Certificate of Service

I hereby certify that on August 2, 2021, I electronically filed the foregoing with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system.

Participants in the case who are registered users in the appellate electronic filing system will be served by the system and include: Karen Mishler.

/s/Jessica Pillsbury
An Employee of the
Federal Public Defender, District of Nevada