IN THE SUPREME COURT OF THE STATE OF NEVADA

Case Nos. 80902 & 80907

Tyrone David James Sr.,

Petitioner/Appellant,

v.

State of Nevada/Brian Williams et al.,

Respondent/Appellee.

Motion for Extension of Time to File Appellant's Reply Brief

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POINTS AND AUTHORITIES

For the reasons stated in the below Declaration of Counsel, and pursuant to Nevada Rules of Appellate Procedure 26, 27, and 31(b)(3), Ronald Rangel requests an extension of sixty (60) days in which to file his Reply Brief, from November 30, 2020, up to and including January 29, 2021.

DECLARATION OF COUNSEL

I, C.B. Kirschner, do declare as follows:

1.   I am counsel for the Appellant in the above-entitled matter. I have personal knowledge of the matters contained herein and am competent to testify thereto.

2.   Appellant's Reply Brief is currently due November 30, 2020.

3.   No extensions have previously been sought or granted with respect to the Reply Brief.

4.   An extension of time to file the brief is necessary because counsel's schedule has been particularly busy since the Answering Brief was filed on October 28, 2020. On November 9, 2020, counsel filed a Petition for Rehearing with the Ninth Circuit in *Zimmerman v. Baca,*

case no. 18-16886. On November 12, 2020, counsel filed a Post-Hearing Brief in Support of Second Amended Petition for Writ of Habeas Corpus in *McClain v. LeGrand*, case no. 3:14-cv-00269-MMD-CLB. On November 23, 2020, counsel filed a Third Amended Petition for Writ of Habeas Corpus in *Miller v. Olsen*, case no. 3:19-cv-00673-MMD-WGC. On November 24, 2020, counsel filed an Emergency Motion for Release Pending Decision Due to Risks of Infection by COVID-19 in *Barron-Aguilar v. Olsen*, case no. 3:17-cv-00548-MMD-CLB. And on November 25, 2020 counsel filed a Petition for Rehearing with the Ninth Circuit in *Tiffany v. LeGrand*, case no. 19-15796. Almost all of those deadlines had previously been extended at least once, or were otherwise time sensitive (e.g. the Emergency Motion for Release was based on an outbreak of COVID-19 in the prison where Mr. Barron-Aguilar is currently being held).

5.　　The amount of time being requested is based on counsel's upcoming filing deadlines, as well as in consideration of the upcoming holidays and corresponding office closures. Counsel has nine filing deadlines in the next month, several of which cannot be extended either due to orders of the court or the statute of limitations.

6.   For the above-stated reasons, and in order to adequately represent Mr. James, I respectfully ask this Court grant this first request for an extension of sixty (60) days and order the Reply Brief to be filed on or before January 29, 2021.

I declare the foregoing is true and correct.

Dated this 30th day of November, 2020.

Respectfully submitted,

/s/ CB Kirschner
C.B. Kirschner
Assistant Federal Public Defender
Nevada State Bar No. 14023C

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2020, 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:

Taleen Pandukht

I further certify that some of the participants in the case are not registered appellate electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following person:

Geordan Goebel
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

/s/ *Adam Dunn*
An Employee of the
Federal Public Defender, District of Nevada