

IN THE SUPREME COURT OF THE STATE OF NEVADA

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DARION MUHAMMAD-COLEMAN,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

Case No: 82915

Electronically Filed
Sep 14 2021 10:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE OPENING
BRIEF**

COMES NOW, Appellant, Darion Muhammad-Coleman, by and through appellate counsel, Waleed Zaman, Esq., and moves this Honorable Court to enlarge the time to file an Opening Brief in this matter by approximately sixty (60) days to November 15, 2021. This Motion is based on the Points and Authorities below, and the declaration of Waleed Zaman, Esq.

Dated this 14th day of September 2021.

Respectfully submitted:

Waleed Zaman

Waleed Zaman, Esq.
Nevada Bar Number 13993
6620 S. Tenaya Way
Suite # 100
Las Vegas, Nevada 89113
Attorney for Appellant

LEGAL ARGUMENT

Nevada Rules of Appellate Procedure Rule 26 (b)(1) allows this Court discretion to enlarge the time to perform any act, including filing of the Opening Brief, based upon good cause. This Honorable Court docketed this matter on May 17, 2021, and pursuant to Nevada Rules of Appellate Procedure Rule 31 (a)(1)(A), the Opening Brief is currently due on September 14th, 2021.

Counsel requests a sixty (60) day extension from the filing of this Motion to allow for completion of the Opening Brief. Pursuant to Nevada Rules of Appellate Procedure Rule 26 (a)(1)(C), as the new deadline would fall on Saturday, November 13, 2021, the true deadline for filing the Opening Brief would move to Monday, November 15, 2021. This is the first request for an extension of time to file the Opening Brief.

Counsel's request for an extension of the time to file the Opening Brief is twofold. First, on June 1, 2021, Counsel filed a request to obtain the court transcript for the October 10, 2021 Hearing regarding Mr. Muhammad-Coleman's Petition for a Writ of Habeas Corpus, that took place in Eighth Judicial District Court, Department 10 ("District Court"). Unfortunately, Counsel did not realize that this transcript request was improperly served on the District Court, which has delayed the preparation of those transcripts. Counsel has since corrected this deficiency, however, the transcripts have still not been prepared or provided to Mr. Muhammad-

Coleman, although Counsel has been told to expect the transcripts imminently. Without this transcript it is impractical, if not impossible for Mr. Muhammad-Coleman to file a complete and sufficient Opening Brief detailing in full all applicable issues in this matter. Therefore, Counsel respectfully requests that this sixty (60) day extension request be granted, so that Counsel has sufficient time to review the District Court transcript and fully prepare and finalize Mr. Muhammad-Coleman's Opening Brief.

Additionally, Counsel requests this sixty (60) day extension so that he may confer in person with his client, Mr. Muhammad-Coleman, who is currently being held at the Ely State Prison. Due to the ongoing COVID-19 pandemic, the Nevada Department of Corrections has been forced to implement restrictions limiting the amount of in-person visiting inmates may receive, including in-person visits between counsel and their clients. However, these restrictions on in-person visits have recently been lifted, and Counsel is scheduled to meet with Mr. Muhammad-Coleman in-person on Friday, September 17, 2021. While Counsel has discussed this appeal with Mr. Muhammad-Coleman telephonically on numerous occasions, it is Counsel's belief that an extended and face to face meeting will greatly aid the preparation of Mr. Muhammad-Coleman's Opening Brief.

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Thus, in addition to the need to wait for the District Court transcript, Counsel is requesting this sixty (60) day extension to file the Opening Brief so that he may confer in-person with Mr. Muhammad-Coleman regarding his Appeal.

CONCLUSION

Pursuant to the arguments above, Appellant, Darion Muhammad-Coleman, respectfully requests that this Court extend the time to file an Opening Brief in this matter until to November 15, 2021.

Dated this 14th day of September 2021.

Waleed Zaman

Waleed Zaman, Esq.
Nevada Bar Number 13993
6620 S. Tenaya Way
Suite # 100
Las Vegas, Nevada 89113
Attorney for Appellant

DECLARATION OF WALEED ZAMAN, ESQ.

I, Waleed Zaman, Esq., being first duly sworn, and upon information and belief, declare under penalty of perjury and say:

1. I am an attorney duly licensed to practice before all of the Courts in the State of Nevada, and I was retained to represent Darion Muhammad-Coleman in the instant matter (Case No. 82915);
2. That a sixty (60) day extension is needed for me to effectively complete and submit Mr. Muhammad-Coleman's Opening Brief, and that this is the first request to enlarge the time allowed for the same.
3. That this request is not made unnecessarily or to delay resolution of the matter.

FURTHER DECLARANT SAYETH NAUGHT

Dated this 14th day of September 2021.



Waleed Zaman, Esq.
Nevada Bar No. 13993
6620 S. Tenaya Way
Suite 100
Las Vegas, Nevada 89113

Signed in Conformity with *NRS 53.045*
on this 14th day of September 2021.

CERTIFICATE OF SERVICE

In accordance with *NRAP* 25, I hereby certify that I filed the foregoing **APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF** with the Nevada Supreme Court by electronic filing. I certify that the following parties or their counsel of record are registered as e-filers and that they will be served electronically by the system, in accordance with the Master Service List:

Aaron Ford, Esq.
Nevada Attorney General

Alexander Chen, Esq.
Chief Deputy District Attorney - Appellate

I further certify that on September 14, 2021, I served a true and correct copy of the foregoing **APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF** through personal mail, addressed in a sealed and prepaid envelope to:

Darion Muhammad-Coleman #1144228
Ely State Prison
4569 North State Rt.
Ely, Nevada 89301

DATED this 14th day of September 2021.

Waleed Zaman

Waleed Zaman, Esq.