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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

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| JOSE DECASTRO,<br><br>Plaintiff,<br><br>vs.<br><br>CLARK COUNTY, NEVADA; JUDGE ANN E. ZIMMERMAN, in her individual capacity; JUDGE MICHELLE LEAVITT, in her individual capacity; ANGES BOTELHO, Deputy District Attorney, in her individual capacity; BRANDEN BOURQUE, Officer, LVMPD, in his individual capacity; JOHN DOE BAILIFF, in his individual capacity; JOHN DOES 1-10, in their individual capacities,<br><br>Defendants. | Case No: 2:25-cv-00899-APG-BNW<br><br>DEFENDANT ANN E. ZIMMERMAN'S MOTION TO EXTEND TIME TO RESPOND TO FIRST AMENDED COMPLAINT<br><br>(First Request) |

Defendant Ann E. Zimmerman, through counsel, moves under Fed. R. Civ. P. 6(b)(1)(A) and LR IA 6-1 for an order extending her time to answer or otherwise respond to Plaintiff's First Amended Complaint (ECF No. 7) by 21 days, from October 30, 2026 to and including November 20, 2026.

This is the first request for an extension of this deadline. No prior extension has been sought or granted.

Plaintiff filed his Notice of Filing Proof of Service on October 15, 2026. ECF No. 41. According to that notice, service on Zimmerman by publication was complete on October 9,

2026, which would make her response due October 30, 2026. This motion is filed before that date and seeks relief only on behalf of Zimmerman.

Zimmerman does not concede that process or service of process was sufficient. She does not waive, and expressly preserves, every defense and objection available under Rule 12(b), including insufficient process, insufficient service of process, and lack of personal jurisdiction, along with any immunity. A motion to extend time is neither a Rule 12 motion nor a responsive pleading, so it does not waive anything under Rule 12(h)(1).

This motion is made in good faith and not for delay. It is based on the memorandum of points and authorities below, the declaration of counsel, the papers on file, and any argument the Court allows.

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. BACKGROUND

Plaintiff, proceeding pro se, sued Clark County, Deputy District Attorney Agnes Botelho, Judge Ann E. Zimmerman, Judge Michelle Leavitt, LVMPD Officer Branden Bourque, a John Doe bailiff, and John Does 1-10. Clark County and Botelho have appeared in the action, but Zimmerman had not appeared as of Plaintiff's October 13, 2026 certificate of service. ECF No. 41-2.

On June 8, 2026, the Court granted in part Plaintiff's motion for service by publication and alternative service. ECF No. 34. On October 9, 2026, the Court entered a minute order setting an October 16, 2026 deadline for Plaintiff to file proof of service on Zimmerman and Leavitt. ECF No. 40.

On October 15, 2026, Plaintiff filed his notice of proof of service. ECF No. 41. As to Zimmerman, he says the summons was published in the *Las Vegas Review-Journal* on September 11, September 18, September 25, and October 2, 2026, and that he sent the summons and First Amended Complaint by certified mail to her last known address on September 9, 2026. ECF No. 41-1 ¶¶ 3, 6.

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## II. ARGUMENT

### A. Legal Standard

When an act must be done within a specified time, the court may, for good cause, extend the time if a request is made before the original time or its extension expires. Fed. R. Civ. P. 6(b)(1)(A). A motion to extend time must state the reasons for the extension and disclose all prior extensions of the deadline. LR IA 6-1(a).

Good cause is a non-rigorous standard, and Rule 6(b)(1) is to be liberally construed to effectuate the general purpose of seeing that cases are tried on the merits. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9th Cir. 2010).

### B. Good Cause Supports Extending Zimmerman's Deadline

Zimmerman's request is timely because it is made before her current deadline expires. Taking Plaintiff's account at face value, service by publication was complete on October 9, 2026, four weeks after the first publication on September 11. *See* NRCP 4.4(c)(4)(C). Her response is therefore due October 30, 2026, and because this motion is filed before that date, Rule 6(b)(1)(A) requires only a showing of good cause.

That standard is met here. Plaintiff did not file any proof of service until October 15, 2026, roughly two weeks before Zimmerman's deadline, and counsel needs additional time to obtain the record of the underlying proceedings and to evaluate Zimmerman's threshold defenses, including whether service complied with ECF No. 34 and NRCP 4.4 and whether the claims against her are barred by judicial immunity. Decl. ¶ 3. Those defenses should be presented together in a single Rule 12 motion, *see* Fed. R. Civ. P. 12(g)(2), (h)(1), and the requested time will allow Zimmerman to do that rather than respond piecemeal.

The extension is also modest. Zimmerman asks for 21 days, which would move her deadline from October 30 to November 20, 2026. The case remains at the pleading stage, and no scheduling order has entered, so a three-week extension that lets Zimmerman raise all of her threshold defenses in one motion will not prejudice Plaintiff or meaningfully delay the case.

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### C. LR IA 6-1

As LR IA 6-1(a) requires, Zimmerman states that this is her first request to extend this deadline, and the reasons for the request are set out above and in the declaration of counsel.

## III. CONCLUSION

Defendant Ann E. Zimmerman asks the Court to extend her deadline to answer or otherwise respond to the First Amended Complaint (ECF No. 7) to and including November 20, 2026, without prejudice to any defense under Rule 12(b) or any immunity.

DATED this 21st day of October, 2026.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

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*Attorney for Defendant*
*Ann E. Zimmerman*

IT IS SO ORDERED:

_____
UNITED STATES MAGISTRATE JUDGE

DATED: _____

**DECLARATION OF NICOLE R. MALICH**

I, Nicole R. Malich, declare as follows:

1. I am a Deputy District Attorney in the Civil Division of the Clark County District Attorney's Office and counsel for Defendant Ann E. Zimmerman in this action. I have personal knowledge of the facts stated in this declaration.

2. Based on Plaintiff's Notice of Filing Proof of Service (ECF No. 41), Zimmerman's response to the First Amended Complaint is currently due October 30, 2026. This is the first request to extend that deadline, and no prior extension has been requested or granted.

3. Zimmerman requests 21 additional days, to November 20, 2026, so that counsel can obtain the record of the underlying proceedings and prepare her response to the First Amended Complaint, including any defenses based on service of process and judicial immunity.

4. This request is made in good faith and not for purposes of delay.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 28 U.S.C. § 1746.

Executed this 21st day of October, 2026, at Las Vegas, Nevada.

*/s/ Nicole R. Malich*
NICOLE R. MALICH

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 21st day of October, 2026, I served a true and correct copy of the foregoing DEFENDANT ANN E. ZIMMERMAN'S MOTION TO EXTEND TIME TO RESPOND TO FIRST AMENDED COMPLAINT (First Request) (United States District Court Pacer System), by e-mailing the same to the following recipients. Service of the foregoing document by e-mail is in place of service via the United States Postal Service.

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Plaintiff, Pro Se

*/s/ Christine Wirt*
An Employee of the Clark County District Attorney's Office – Civil Division