

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Reynaldo Agavo v. Calvin Johnson

Agavo · No. 2:13-cv-01741-JCM-DJA · Decided January 13, 2026

SUMMARY

The United States District Court for the District of Nevada granted Respondents’ unopposed motion for relief from judgment under Federal Rule of Civil Procedure 60(b). The court modified its prior conditional habeas judgment to extend the deadline for the State to comply with the writ, including by retrying Petitioner, until June 16, 2026. The extension was granted after the parties reached an agreement in principle for Petitioner to plead guilty and requested time for immigration counsel to review the plea agreement.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 13, 2026
DOCKET	2:13-cv-01741-JCM-DJA
DISPOSITION	other
PROCEDURAL POSTURE	Respondents moved under Federal Rule of Civil Procedure 60(b) for relief from the judgment imposing a conditional habeas writ and extending the deadline for the State to begin jury selection in a retrial. The motion was unopposed.
STANDARD OF REVIEW	Relief under Federal Rule of Civil Procedure 60(b), including consideration of the Pioneer four-factor test: prejudice to the nonmoving party, length of delay, reason for delay and whether it was within the movant's control, and good faith.
PRECEDENTIAL VALUE	Unknown; district-court order with no reporter or neutral citation identified.
PARTIES	Calvin Johnson v. Reynaldo Agavo

TOPICS

- federal habeas corpus
- post-conviction relief
- sentence modification
- civil procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court could modify its conditional habeas writ after the period originally prescribed by the writ had lapsed.
2. Whether Respondents were entitled to relief from the judgment under Federal Rule of Civil Procedure 60(b) and an extension of the deadline for the State to comply with the conditional writ.

HOLDINGS

1. A district court may modify a conditional habeas writ and grant the State additional time to cure the constitutional deficiency even after the time prescribed in the conditional writ has lapsed.
2. Relief from the judgment and an extension of the conditional-writ deadline were warranted under Rule 60(b) after consideration of the Pioneer factors and the absence of opposition from Petitioner.

KEY QUOTATIONS

“Logically, the equitable power of the district court in deciding a habeas petition includes the ability to grant the state additional time beyond the period prescribed in a conditional writ to cure a constitutional deficiency.” (Discussion, at 1)

“conditional writs enable habeas courts to give states time to replace an invalid judgment with a valid one.” (Discussion, at 1)

“In consideration of the Pioneer factors and because Petitioner does not oppose motion, the Court will grant Respondents’ motion.” (Order, at 2)

FACTUAL BACKGROUND

The federal court had conditionally granted habeas relief, vacated Agavo's state conviction, and ordered his release unless the State elected to retry him and commenced jury selection within the specified period. The State elected to retry him, but the court amended and extended the deadline several times. Respondents later sought an extension through June 16, 2026 because the parties had reached an agreement in principle for Agavo to plead guilty, while counsel sought appointment of immigration counsel to review the plea agreement.

PROCEDURAL HISTORY

In October 2021, the court conditionally granted Agavo's habeas petition as to ground one, vacated the state-court conviction, and ordered release unless the State elected to retry him and commenced jury selection within 120 days. After the State elected to retry Agavo, the court amended and repeatedly extended the jury-selection deadline. Respondents sought another extension through June 16, 2026, citing an agreement in principle for Agavo to plead guilty and the need for immigration counsel to review the plea agreement. The court granted the motion and modified the judgment.

DISPOSITION

other

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Wilkinson v. Dotson, 544 U.S. 74, 87, 89 (2005)
- Herrera v. Collins, 506 U.S. 390, 403 (1993)
- Harvest v. Castro, 531 F.3d 737, 742, 744-45 (9th Cir. 2008)
- Gilmore v. Bertrand, 301 F.3d 581, 582-83 (7th Cir. 2002)
- Stewart v. Dupnik, 243 F.3d 549, 549 (9th Cir. 2001)
- Pioneer Invs. Servs. Co. v. Brunswick Assocs. Ltd., 507 U.S. 380, 392 (1993)

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