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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Michael Apelt,

Petitioner,

vs.

Charles L. Ryan, et al.,

Respondents.

) No. CV-98-0882-PHX-ROS

) DEATH PENALTY CASE

) **ORDER**

Pending before the Court is Petitioner’s unopposed motion for a 60-day extension of time to file his merits memorandum. (Doc. 278.) The present motion asserts that counsel and co-counsel will be unable to timely complete the merits memorandum due to their heavy caseload and their concurrent responsibilities on these cases.

Because Respondents do not oppose the request, the Court will allow a brief extension of time. However, the protracted nature of this case counsels this Court to carefully consider all motions requesting extensions of time so that resolution of this case may be finally accomplished.

Accordingly,

IT IS HEREBY ORDERED that Petitioner’s motion for an extension of time to file his merits brief (Doc. 278) is **GRANTED IN PART**. Petitioner shall have until **June 13**,

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2011, to file his brief on the merits of his claims.

DATED this 9th day of May, 2011.



Roslyn O. Silver
Chief United States District Judge