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

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Michael Apelt,)

No. CV-98-00882-PHX-ROS

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Petitioner,)

DEATH PENALTY CASE

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v.)

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Charles L. Ryan, et al.,)

ORDER

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Respondents.)

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There being no opposition,

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IT IS ORDERED Petitioner’s Motion for Supplemental Briefing (Doc. 311) is

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GRANTED.

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IT IS FURTHER ORDERED setting the following briefing schedule:

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1. No later than **July 30, 2012**, Petitioner shall file a supplemental brief addressing: (1) whether under *Martinez v. Ryan*, 132 S. Ct. 1309 (2011), Petitioner has cause to excuse the procedural default of Claims 1-B, 1-D, and 12; and (2) the merits of Claims 1-B, 1-D, and 12. The merits portion of the brief shall include a discussion of the applicable standards of review and shall also include any requests for evidentiary development, including identification of the evidence or facts sought to be developed and the applicable standards governing evidentiary development.

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2. No later than **September 14, 2012**, Respondents shall file a response to Petitioner’s supplemental brief.

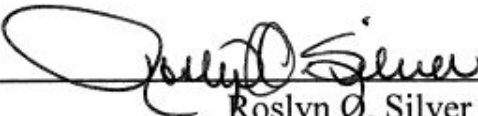
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3. No later than **October 15, 2012**, Petitioner shall file a reply.

4. The Court's courtesy copy of any brief in excess of 50 pages shall be spiral bound on the left and shall include a table of contents, an exhibits list (if any), and tabs between exhibits (if any).

DATED this 23rd day of May, 2012.



Roslyn O. Silver
Chief United States District Judge