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

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9 Michael Joe Murdaugh,

10 Petitioner,

11 vs.

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13 Charles L. Ryan, et al.,

14 Respondents.

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) No. CV 09-831-PHX-FJM

) DEATH PENALTY CASE

) **ORDER**

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Before the Court is Petitioner’s motion for a 77-day extension of time to file his motions for evidentiary development. Petitioner asserts that the additional time is necessary “to complete a psychological and neuropsychological evaluation and the mitigation fact investigation of his habeas petition.” (Dkt. 46 at 2.) Respondents oppose the request. (*Id.* at 1.)

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The Court’s briefing schedule was set at a case management conference held on May 27, 2009. At that time, the Court indicated that it expected the parties to adhere to this schedule, absent a showing of extraordinary circumstances. (Dkt. 18 at 2.) Nevertheless, this is Petitioner’s third request for an expansion of that schedule. As with his earlier motions, Petitioner does not identify extraordinary circumstances. Rather, he argues primarily that the Court’s briefing schedule is unreasonable because it failed to provide him a full year to conduct investigation and prepare his habeas petition. (Dkt. 46 at 3-4.) Indeed, it appears from the instant request for an additional 77 days that Petitioner is attempting to have the

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1 evidentiary motions deadline coincide with expiration of the limitations period.

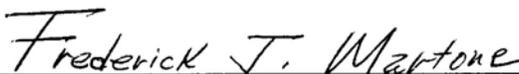
2 Once a party has invoked the jurisdiction of a federal district court, that court “has
3 significant discretionary authority to set and enforce filing deadlines in accordance with the
4 Federal Rules of Civil Procedure, even when those deadlines are difficult for lawyers to
5 meet.” *Perez-Cordero v. Wal-Mart P.R.*, 440 F.3d 531, 533 (1st Cir. 2006); *see also United*
6 *States v. W.R. Grace*, 526 F.3d 499, 515 (9th Cir. 2008) (noting that government’s discretion
7 to investigate and present its case does not override district court’s authority to manage the
8 case, including setting deadlines). Petitioner’s repeated attempts to suggest otherwise are not
9 well grounded and instead evince a consistent refusal to abide by the Court’s case
10 management order.

11 This Court set reasonable deadlines for preparation of the pertinent pleadings in this
12 matter. In accordance therewith, Petitioner has filed a 285-page petition supported by 157
13 exhibits, Respondents have filed a 190-page answer, and Petitioner has filed a 116-page reply
14 supported by 298 exhibits. Although Petitioner complains that his investigation is
15 incomplete, he neither identifies extraordinary circumstances warranting additional time nor
16 articulates how any remaining investigative tasks inhibit his ability to prepare requests for
17 evidentiary development. Accordingly, the request is denied.

18 Based on the foregoing,

19 **IT IS ORDERED** that Petitioner’s Motion to Continue Motion for Evidentiary
20 Development (Dkt. 46) is **DENIED**.

21 DATED this 19th day of January, 2010.

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26 Frederick J. Martone
27 United States District Judge
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