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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Joe Clarence Smith, Petitioner, vs. Charles L. Ryan, et al., Respondents.	No. CV-12-00318-PHX-PGR DEATH PENALTY CASE **ORDER**

Before the Court is Petitioner's motion to continue the briefing schedule in this matter. In its scheduling order, the Court indicated that, absent circumstances beyond counsel's control justifying a continuance, the parties shall adhere to the deadlines set forth therein. The motion states that lead counsel Michael Burke learned on September 11, 2012, that he would be participating in a post-conviction evidentiary hearing in a federal death penalty case in October and December, 2012. The Court finds this sufficient to establish good cause for the requested continuance. However, the Court again cautions that it expects both parties to adhere to the briefing schedule, regardless of obligations in other cases. Absent extraordinary circumstances, the deadlines set forth below will not be further modified.

Based on the foregoing,

IT IS ORDERED that Petitioner's Unopposed Motion for Extension of Time to File Habeas Petition (Doc. 21) is granted. The briefing schedule is reset as follows:

1. Petitioner shall file a Petition for Writ of Habeas Corpus no later than

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December 14, 2012.

2. Respondents shall file an Answer no later than **February 12, 2013**.

3. Petitioner shall file a Reply no later than **March 14, 2013**.

4. Any motion for evidentiary development shall be filed no later than **April 4, 2013**.

5. A response to any motion for evidentiary development shall be filed no later than **April 25, 2013**.

6. A reply to any response to a motion for evidentiary development shall be filed no later than **May 6, 2013**.

DATED this 26th day of September, 2012.

Paul G. Rosenblatt
United States District Judge