UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MICHAEL C. SKAKEL Petitioner,	: :	Case No. 3:07 CV 1625 (PCD)
	:	
PETER J. MURPHY, Respondent.	: :	OCTOBER 8, 2008

NINTH JOINT MOTION FOR EXTENSION OF
TIME TO COMPLY WITH COURT'S ORDER

Pursuant to Rule 7(b) of the Local Rules of Civil Procedure for the District of Connecticut, the petitioner and the respondent, by and through their respective counsel, hereby request an extension of time of seventeen days, or until **October 27, 2008**, to file their cross motions for summary judgment in compliance with the court's order dated March 5, 2008. This is the ninth request for an extension of time by the parties with respect to the court's order to file motions for summary judgment.

The grounds for this motion are as follows:

1. After trial by jury in the Superior Court for the Judicial District of Fairfield, the petitioner was convicted of murder, in violation of General Statutes § 53a-54a. On August 29, 2002, the trial court, *Kavanewsky, J.*, sentenced the petitioner to imprisonment for a term of twenty years to life. The petitioner appealed to the Connecticut Supreme Court, which affirmed his conviction on January 24, 2006. State v. Skakel, 276 Conn. 633, 888 A.2d 985 (2006). The petitioner filed a petition for certification to the United States Supreme Court which was denied on November 13, 2006. Skakel v. Connecticut, __ U.S. __,127 S.Ct. 578, 166 L.Ed.2d 428 (2006).

2. On August 25, 2005, the petitioner filed a petition for a new trial pursuant to General Statutes § 52-270 in the Superior Court for the Judicial District of Fairfield. The trial court, *Karazin, J.*, denied the petitioner's petition for a new trial on October 25, 2007. Skakel v. State, CV05-0006524-S, Judicial District of Fairfield.

3. The petitioner filed his application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on November 5, 2007. On November 8, 2007, this court issued an order to show cause that directed the respondent to file a response by November 30, 2007.

4. On November 29, 2007, the respondent filed a motion for extension of time seeking permission to file his answer to the petitioner's habeas corpus petition by December 21, 2007. On November 30, 2007, this court granted the respondent's motion. On December 21, 2008, the respondent filed his answer.

5. On March 5, 2008, this court ordered the petitioner and the respondent to file cross-motions for summary judgment by March 31, 2008.

6. Between March 11, 2008, and the present, the parties have filed eight joint motions for an extension of time to file cross-motions for summary judgment, all of which have been granted by the court.

7. The cross motions for summary judgment are currently due on October 10, 2008.

8. Counsel for the petitioner has finalized the legal argument for memorandum in support of the motion for summary judgment in this matter, which is 123 pages in length. However, additional time would be beneficial to compile the lengthy appendix for filing.

9. Counsel for the respondent has completed a substantial portion of the respondent's motion for summary judgment in this case. However, in addition to representing the respondent in this case, counsel represents the respondent-commissioner in In re Claims of Racial Disparity, Case No. CV05-4000632-S, Judicial District of Tolland, a state habeas corpus case in which prisoners on death row in Connecticut are challenging the constitutionality of the manner in which the death penalty is imposed this state. Unexpected developments in that case which occurred prior to counsel for the respondent's departure for military duty on September 21, 2008 have prevented him from completing the respondent's motion for summary judgment as planned. These unexpected developments have required the attention of counsel for the respondent for much of the time since his return from military duty on September 29, 2008. As a result, counsel for the respondent anticipates that it will take him approximately two more weeks to complete the respondent's motion for summary judgment in this case.

WHEREFORE, the petitioner and the respondent jointly move this court for an extension of time of seventeen days, or until **October 27, 2008**, to file their cross-motions for summary judgment in this case.

Respectfully submitted,

MICHAEL C. SKAKEL

PETITIONER

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