

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
v.	:	
PETER J. MURPHY,	:	JANUARY 16, 2009
Respondent.	:	

**MOTION FOR EXTENSION OF TIME TO
COMPLY WITH SCHEDULING ORDER**

Pursuant to Rule 7(b) of the Local Rules of Civil Procedure for the District of Connecticut, the respondent hereby requests, *nunc pro tunc*, an extension of time of eight days, or until **January 15, 2009**, to file his memorandum in opposition to petitioner's motion for summary judgment. Attorney Hope C. Seeley, the petitioner's counsel, has no objection to the respondent's request.

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 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 which 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 October 8, 2008, the parties filed nine joint motions for an extension of time to file their cross-motions for summary judgment, all of which were granted by the court.

7. The parties filed their cross-motions for summary judgment in compliance with the court's order on October 27, 2008.

8. On November 6, the parties filed a joint motion for extension of time seeking permission to file their responses to the cross-motions for summary judgment by December 17, 2008. On November 7, 2008, this court granted the joint motion.

8. On December 16, the parties filed a second joint motion for extension of time seeking permission to file their responses to the cross-motions for summary judgment by January 7, 2008. On December 17, 2008, this court granted the second joint motion.

9. On January 7, 2009, the petitioner filed his response to the motion for summary for summary judgment filed by the respondent.

10. Counsel for the respondent was unable to file his response to the petitioner's motion for summary judgment by the previous deadline because his memorandum in opposition took longer than anticipated to prepare. In addition, counsel for the respondent was delayed in completing the memorandum because of his responsibilities as the supervisor of the Civil Litigation Bureau of the Chief State's Attorney's Office. These responsibilities included preparing attorneys assigned to the Civil Litigation Bureau for oral argument in the Appellate Court in Omar Zabian v. Commissioner of Correction, Appellate Court Case No. 29076, and Francis Borrelli v. Commissioner of Correction, Appellate Court Case No. 29238. In addition, counsel for the respondent assisted attorneys assigned to the Civil Litigation Bureau in preparing for trial in Ryan Thompson v. Warden, Case No. CV01-0811262, Judicial District of Tolland, and Khari Miller v. Warden, Case No. CV06-4000878, Judicial District of Tolland.

10. The respondent's memorandum in opposition to the petitioner's motion for summary judgment was completed and submitted to the court on January 15, 2009.

11. On January 15, 2009, counsel for the respondent contacted Attorney Hope Seeley, counsel for the petitioner, and advised her that the respondent was requesting an extension of time to file his opposition to the petitioner's motion for summary judgment. Attorney Seeley indicated that she had no objection to the respondent's request.

WHEREFORE, the respondent hereby moves this court, *nunc pro tunc*, for an extension of time of eight days, or until **January 15, 2009**, to file his memorandum in opposition to the petitioner's motion for summary judgment on his application for a writ of habeas corpus in this case.

Respectfully submitted,

PETER J. MURPHY
WARDEN, MacDOUGALL-WALKER
CORRECTIONAL INSTITUTION
DEPARTMENT OF CORRECTION
STATE OF CONNECTICUT

RESPONDENT

By: /s/ Michael E. O'Hare
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CERTIFICATION

I hereby certify that a copy of the foregoing document was mailed, first class postage prepaid, to Attorney Hope C. Seeley, Attorney Hubert J. Santos, and Attorney Sandra L. Snaden, Santos & Seeley P.C., 51 Russ Street, Hartford, Connecticut 06106, on January 16, 2009.

/s/ Michael E. O'Hare
MICHAEL E. O'HARE
Supervisory Assistant State's Attorney