

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
v.	:	
PETER J. MURPHY,	:	JUNE 29, 2010
Respondent.	:	

**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 hereby requests an extension of time within which to comply with the Court's July 27, 2009 order regarding his Motion to Stay. The grounds for this motion are as follows:

1. On January 8, 2009, the Petitioner filed a Motion to Amend his habeas petition, seeking to add claims that had not yet been exhausted in state court (Grounds Six through Twelve). Several of these claims were the subject of a pending case before the Connecticut Supreme Court in the matter of Skakel v. State, Docket No. S.C. 18158 (Grounds Six through Nine). Other claims in the proposed amended petition had not yet been presented to any state court (Grounds Ten through Twelve).
2. On January 8, 2009, the Petitioner also filed a Motion to Stay, seeking a stay of the instant matter in order to afford him time to exhaust the new claims asserted in the amended petition.
3. On July 27, 2009, this Court granted the Petitioner's request to amend his petition to add the unexhausted claims. The Court also granted the Petitioner's Motion to Stay. In its ruling, the Court stayed the case and ordered that if the Connecticut

Supreme Court issued its ruling in Skakel v. State, Docket No. S.C. 18158 upholding the denial of the Petitioner's Motion for New Trial, the Petitioner was required to file an action in the state court to exhaust Grounds Ten through Twelve within thirty (30) days of the Supreme Court's ruling. See Ruling, July 27, 2009 (Doc. # 71). The Petitioner was then to notify the Court ten (10) days after all of the claims alleged in the amended petition had been exhausted.

4. The Connecticut Supreme Court issued its decision in Skakel v. State, Docket No. S.C. 18158, on April 12, 2010, upholding the denial of the Petitioner's Motion for New Trial. Thus, pursuant to the terms of the Court's July 27, 2009 order, the Petitioner was originally required to commence an action in state court by May 12, 2010 to exhaust Grounds Ten through Twelve of his amended petition.

5. The Petitioner filed a Motion for Reconsideration of the Connecticut Supreme Court's ruling in Skakel v. State, Docket No. S.C. 18158 on April 29, 2010.

6. On or about April 23, 2010, the Petitioner requested a thirty (30) day extension of time from the date on which the Connecticut Supreme Court ruled on his Motion for Reconsideration within which to file his state court action. (Doc. # 72).

7. The Court granted the Petitioner's request for an extension of time on April 26, 2010. (Doc. # 73).

8. The Connecticut Supreme Court issued its ruling denying the Petitioner's Motion for Reconsideration on June 15, 2010. Thus, pursuant to this Court's April 26, 2010 ruling (Doc. # 73), the Petitioner's state court action must be filed by July 15, 2010.

9. The Petitioner now respectfully requests an additional thirty-two (32) day extension of time, until August 16, 2010, within which to file his state court action.

10. The extension is necessary for the following reasons:

- (a) Undersigned counsel recently finished a lengthy trial on June 18, 2010 in the case of State v. Eddie Perez, Docket Nos. H14H-CR09-0628569-S and HHD-CR09-0635038-T in the Judicial District of Hartford, and post-trial motions are due on July 6, 2010;
- (b) Undersigned counsel had been preparing for a trial in the matter of Rivera v. Fountain, Docket No. CV-07-5008172-S in the Judicial District of Hartford which was scheduled to commence jury selection on June 28, 2010 but the case recently settled;
- (c) Undersigned counsel are scheduled to commence a trial on July 13, 2010 in the matter of State v. Jason Wasserman, Docket No. H12M-CR08-0219260-S, at G.A. 12 in Manchester;
- (d) Undersigned counsel have a sentencing hearing in the matter of USA v. Kevin Brush, Case No. 3:10CR00051 (RNC) on July 7, 2010; and
- (e) Undersigned counsel have a sentencing hearing in the matter of USA v. David Besaw, Case No. 3:10CR97 (SRU) on July 22, 2010 and the sentencing memorandum in that matter is due July 12, 2010.

11. Counsel for the Respondent, Michael O'Hare, has been contacted and does not object to this request.

WHEREFORE, the petitioner moves this Court for an additional extension of time of thirty-two (32) days, until August 16, 2010, within which to commence an action in state court to exhaust Grounds Ten through Twelve of his Amended Petition.

**THE PETITIONER,
MICHAEL C. SKAKEL**

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CERTIFICATION

I hereby certify that on June 29, 2010, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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/s/

HOPE C. SEELEY