

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JOSHUA DANIEL BISHOP,	:	
	:	
Petitioner	:	
	:	
vs.	:	
	:	NO: 5:08-CV-91(HL)
HILTON HALL, Warden,	:	
	:	
Respondent	:	
	:	
_____	:	

ORDER

The Court previously granted Petitioner’s motion to conduct limited discovery and gave Petitioner thirty (30) days to complete the discovery. (R. at 20). Thereafter, the Court granted two of Petitioner’s three requests for extensions; the first giving Petitioner an additional fourteen (14) days and the second giving him an additional twenty-one (21) days to complete discovery. (R. at 21, 22, 23). Petitioner was to complete this discovery by February 5, 2009.

According to the original scheduling order, Petitioner was to submit his motion for an evidentiary hearing “within thirty (30) days of the close of discovery.” (R. at 11). The Court did not receive a motion for an evidentiary hearing from Petitioner within thirty (30) days from February 5, 2009.

According to the original scheduling order, Petitioner's brief "addressing all outstanding issues; including the issues of exhaustion, procedural default, cause and prejudice, fundamental miscarriage of justice, and the merits for all claims contained in his Petition for Writ of Habeas Corpus" is due forty-five (45) days after the evidentiary hearing or forty-five (45) days after the Court enters an order denying Petitioner's request for such a hearing. (R. at 11). However, as explained above, Petitioner did not file a request an evidentiary hearing.

Therefore, Petitioner's brief addressing all outstanding issues; including the issues of exhaustion, procedural default, cause and prejudice, fundamental miscarriage of justice, and the merits for all claims contained in his Petition for Writ of Habeas Corpus is due forty-five (45) days from the date shown below on this Order. Respondent shall have forty-five (45) days to respond, and Petitioner shall have fifteen (15) days to reply to Respondent's response.

As was explained in the original scheduling order, if the parties find it necessary to request additional time to file their briefs, they may file a motion making such a request. Any motion requesting additional time must set forth the reasons for the request and the exact amount of additional time that is needed.

SO ORDERED, this 17th day of March, 2009.

s/ Hugh Lawson

HUGH LAWSON
UNITED STATES DISTRICT COURT

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