

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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)	
CARMAN L. DECK,)	
)	
Petitioner,)	No. 4:12-CV-1527 JAR
)	
v.)	
)	
TROY STEELE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner’s Fourth Motion for Extension of Time to file a Reply to the Respondent’s Response (ECF No. 58). Respondent filed an Opposition to Petitioner’s Motion for Extension of Time (ECF No. 59).

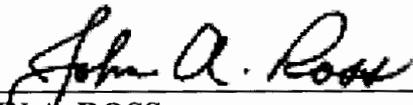
In the Motion, Petitioner’s counsel requests an additional 60 days to file the reply in support of the habeas motion. For the fourth time, Petitioner again cites counsel’s “day-to-day work” as the basis for the request for additional time. Counsel for Petitioner have never raised other issues or difficulties associated with the reply; rather, counsel only claims to be too busy. The Court also notes that Mr. Schriener filed a motion requesting an additional 60 days to file a traverse in a death penalty habeas case currently pending before Judge Sippel (Taylor v. Steele, 4:12cv2278) and that Ms. Carlyle has a three week evidentiary hearing before Judge Webber in a death penalty case (Barnett v. Roper, 4:03cv614). It appears that Petitioner’s counsel may have more work than they can handle. The Court, however, has already given counsel three prior extensions and Petitioner’s reply has been pending for six months. Counsel for Petitioner actively sought out this appointment and Petitioner has a right to diligent and timely

representation. Likewise, our system of justice is premised on timely resolution of cases. See ECF No. 59 at ¶13. If counsel is unable to adequately and timely brief the issues in this case given the previous continuances and with an additional 30 days, then counsel should file a motion to withdraw and the Court will appoint alternate counsel.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Fourth Motion for Extension of Time to file a Reply to the Respondent's Response [58] is **GRANTED**, in part. Petitioner shall file any reply brief within 30 days of the date of this Order. If counsel is unable to timely comply with this Order, then alternate counsel will be appointed to represent Petitioner.

Dated this 4th day of August, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE