

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BONG H. CHAE,)
)
Petitioner,) 8:09CV416
)
v.)
)
ROBERT HOUSTON, Director of) MEMORANDUM AND ORDER
Department of Correctional)
Services,)
)
Respondent.)
)

This matter is before the Court on respondent's objection to the Court's April 15, 2010, memorandum and order (Filing No. [20](#)). In his objection, respondent states that he "was never served" with petitioner's motion to reconsider order and that he has no "record of it being electronically sent to" him. ([Id.](#)) On December 2, 2009, the Court entered an order summarizing petitioner's claims and progressing this matter (Filing No. [6](#)). The clerk of the court sent a copy of that order to the Nebraska Attorney General's office via U.S. Mail. ([Id.](#))

Petitioner filed his motion to reconsider order on December 17, 2009 (Filing No. [7](#)). At the time of petitioner's filing, no attorney had filed an appearance or any other document on behalf of respondent, and petitioner therefore had no information regarding who to serve. (See Docket Sheet.) However, the Court's records show that an ECF notification of the motion to reconsider order was sent to "Jon C. Bruning" at the

email addresses "james.smith@nebraska.gov" and "pat.selk@nebraska.gov." (Filing No. 7.) Approximately one month later, counsel for respondent filed state court records, but apparently did not review the docket sheet to determine if any motions had been filed prior to her appearance. Regardless, respondent's objection does not seek any relief, other than "clarification" regarding "whether he is to file an amended answer and brief" to the re-stated Claim Three (Filing No. 20). The Court cannot advise respondent regarding whether he should amend his filings in this matter. However, the Court will provide respondent with 30 days in which to amend his filings if he so chooses. The deadline for petitioner's response will also be extended 30 days. Accordingly,

IT IS ORDERED:

1. Respondent shall have until **May 17, 2010**, in which to file an amended answer and/or brief on the merits of petitioner's Claim Three. In the event that respondent elects not to file an amended answer and/or brief by that date, the Court will consider the answer and brief already on file. To the extent the objection seeks any other relief, it is denied.

2. No later than **June 16, 2010**, petitioner shall file his response to respondent's brief on the merits of the petition, as amended.

DATED this 16th day of April, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court