

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM C. FLOYD JR.,)	8:13CV195
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MICHAEL L. KENNEY,)	
)	
Respondent.)	

This matter is before the court on a Response (filing no. [29](#)) to the court's January 27, 2014, Memorandum and Order, and several Motions filed by Petitioner (filing nos. [26](#), [27](#), [28](#), [30](#) and [32](#)).

On January 27, 2014, the court ordered Respondent to show good cause or excusable neglect for his failure to comply with this court's orders. (Filing No. [22](#).) On February 21, 2014, Respondent filed a Response to the court's order. (Filing No. [29](#).) In the Response, Respondent's counsel explains that he "neglected to change the due date of the Respondent's brief and answer" and "clearly missed the date because it did not appear on [his] electronic calendar." (*Id.* at CM/ECF pp. 2-3.) The court has carefully reviewed the Response and finds that Respondent has shown excusable neglect for his failure to comply with this court's orders. However, the court warns Respondent that further neglect in this case will not be tolerated and may result in sanctions. Petitioner's Motion for Default Judgment (filing no. [26](#)), requesting that this court immediately release him because Respondent failed to comply with this court's orders, is denied.

In addition to explaining his neglect, Respondent's counsel reported that he needed to file additional state court records in this matter. (Filing No. [29](#) at CM/ECF pp. 3-4.) Respondent's counsel has since filed those records. (*See* Filing No. [31](#).) Meanwhile, Petitioner has filed a Motion to Compel (filing no. [27](#)) and a Motion for

Additional Documents (filing no. [30](#)). In these Motions, Petitioner indicates that he is confused about the state court records that have been filed in this matter. (*Id.*) He has also provided a list of records that he feels should be filed. (*See* Filing No. [30](#).) In accordance with the court's July 16, 2013, Memorandum and Order, Respondent is only required to file state court records that are relevant to the cognizable claims. (*See* Filing No. [6](#) at CM/ECF pp. 4-5.) Moreover, Petitioner filed his Motions before Respondent filed the latest set of state court records. (*See* Docket Sheet; Filing No. [31](#).) If, after reviewing these newly-filed state court records, Petitioner still needs additional documents, he may file a motion with the court to request those documents. However, the court reminds Petitioner that such motion must set forth the reasons the documents are relevant to the cognizable claims. Petitioner's Motion to Compel (filing no. [27](#)) and Motion for Additional Documents (filing no. [30](#)) are denied without prejudice to reassertion.

Also pending are Petitioner's Motions for Enlargement of Time. (Filing Nos. [28](#) and [32](#).) In these Motions, Petitioner requests an extension of time to respond to Respondent's Answer. (*Id.*) Petitioner's request is granted. Accordingly,

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Default Judgment (filing no. [26](#)) is denied.
2. Petitioner's Motion to Compel (filing no. [27](#)) and Motion for Additional Documents (filing no. [30](#)) are denied without prejudice to reassertion.

3. Petitioner's Motions for Enlargement of Time (filing nos. [28](#) and [32](#)) are granted. Petitioner shall have until April 7, 2014, to file a response to Respondent's Brief.

DATED this 26th day of February, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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