

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DILLON SHADLE,

Petitioner,

vs.

SCOTT FRAKES,

Respondent.

8:16CV494

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner's motion for an extension of time to file his brief in response to Respondent's summary judgment motion. ([Filing No. 17.](#)) Apparently, Petitioner believes that his brief was due May 17, 2017, when it was actually due May 10, 2017 (*See* [Filing No. 16](#)).

Petitioner states that he needs extra time to collect affidavits from family members and documents from the Public Defender's Office. The court will grant Petitioner an extension of time to file his brief, and although the court informed Petitioner in a previous order that he "must not submit any other documents unless directed to do so by the court" (*See* [Filing No. 8](#)), the court will allow Petitioner to file his additional documents and will consider them to the extent they refute Respondent's argument that the court should find Petitioner's claims procedurally defaulted.

IT IS THEREFORE ORDERED that:

1. Petitioner's motion for extension ([Filing No. 17](#)) is granted. Petitioner, as requested, shall file his brief and additional documents no later than **May 31, 2017**. Respondent shall file his reply brief or notice no later than thirty days thereafter.

2. The clerk's office is directed to set a pro se case management deadline using the following language: May 31, 2017: check for Petitioner's brief.

Dated this 19th day of May, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge