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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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MARK ROGERS,

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Petitioner,

3:02-cv-00342-GMN-VPC

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vs.

ORDER

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RENEE BAKER, *et al.*,

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Respondents.

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In this capital habeas corpus action, the petitioner, Mark Rogers, had until March 24, 2016, to file and serve a brief setting forth his position with respect to each of the issues to be addressed on the remand of this case from the court of appeals, as described in the order entered August 25, 2015 (ECF No. 167). *See* Order entered November 3, 2016 (ECF No. 169). On March 24, 2016, Rogers filed a motion for extension of time (ECF No. 170), requesting a second extension of time for his brief on remand. Rogers requests a 30-day extension of time, to April 23, 2016; as April 23 is a Saturday, the extension Rogers requests would actually be 32 days, to April 25, 2016.

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The Ninth Circuit Court of Appeals remanded this case to this court for further consideration of claims made by Rogers with respect to the guilt phase of his trial, in light of potentially relevant cases decided while the case was on appeal. *See* Opinion of the Court of Appeals, July 16, 2015 (ECF No. 162), pp. 17-19. The court of appeals affirmed this court's grant of habeas corpus relief to Rogers regarding his death sentence. *See id.* at 1-16.

1 In an order entered August 25, 2015 (ECF No. 167), this court set a schedule for the parties
2 to brief the issues to be considered on remand. In that regard, as a first step, Rogers was granted
3 sixty days -- to October 26, 2015 -- to file and serve a brief setting forth his position with respect to
4 each of the issues to be addressed. That deadline was subsequently extended to March 24, 2016.
5 *See* Order entered November 3, 2016 (ECF No. 169).

6 Rogers' counsel states that a further extension of time is necessary because of his
7 responsibilities in other cases, because of the complexity of this case, and because of personnel
8 changes at the office of the Federal Public Defender. The court finds that the motion for a second
9 extension of time is made in good faith and not solely for the purpose of delay, and that there is good
10 cause for the extension of time requested. The court will grant the extension of time.

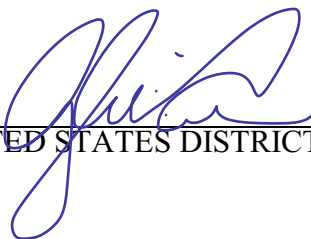
11 However, given the amount of time that Rogers will have had to file the brief on remand, the
12 court will not look favorably upon any motion to further extend this deadline.

13 **IT IS THEREFORE ORDERED** that petitioner shall have until and including
14 **April 25, 2016**, to file and serve a brief setting forth his position with respect to each of the issues to
15 be addressed on the remand of this case from the court of appeals, as described in the order entered
16 August 25, 2015 (ECF No. 167).

17 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
18 proceedings in this case shall be governed by the order entered August 25, 2015 (ECF No. 167).

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Dated this 29 day of March, 2016.


UNITED STATES DISTRICT JUDGE