

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PAUL L. BROWNING,

Petitioner,

3:05-CV-0087-RCJ-WGC

vs.

MINUTES OF THE COURT

RENEE BAKER, *et al.*,

September 27, 2011

Respondents.

_____ /

PRESENT:

THE HONORABLE ROBERT C. JONES, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: DENNIS M. FARIAS REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER: NONE APPEARING

COUNSEL FOR RESPONDENTS: NONE APPEARING

MINUTE ORDER IN CHAMBERS: XXX

In this capital habeas corpus action, on May 6, 2011, new counsel appeared in this action on behalf of the petitioner, Paul L. Browning. On July 25, 2011, the court held a status conference, and entered a scheduling order (docket #107). Under the scheduling order, petitioner has until September 30, 2011, to file a fourth amended petition for writ of habeas corpus.

On September 27, 2011, Browning’s counsel filed a motion for extension of time (docket #109), requesting a 14-day extension of time, to October 14, 2011, to file the fourth amended petition. Counsel state that they need the additional time to complete the drafting of the fourth amended petition, and for Browning to review that petition.

The court finds that the motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the requested extension of time. The court will grant the 14-day extension requested by petitioner.

The court is informed that E.K. McDaniel is no longer the warden of Ely State Prison, the prison where the petitioner is incarcerated. The court is informed that Renee Baker is now the warden of that prison. *See, e.g., Emil v. Baker*, 3:00-cv-0654-KJD-VPC, Motion for Substitution of Respondent (docket #183), and Minute Order entered September 14, 2011 (docket #185). Therefore, pursuant to Federal Rule of Civil Procedure 25(d), Renee Baker shall be substituted for her predecessor, E.K. McDaniel, as the respondent warden in this action.

IT IS THEREFORE ORDERED that petitioner's motion for extension of time (docket #109) is **GRANTED**. Petitioner shall have until and including **October 14, 2011**, to file and serve a fourth amended petition for writ of habeas corpus.

IT IS FURTHER ORDERED that, in all other respects, the schedule for further proceedings set forth in the order entered July 27, 2011 (docket #107) shall remain in effect.

IT IS FURTHER ORDERED that the Clerk of the Court shall substitute Renee Baker for E.K. McDaniel, on the docket, as the respondent warden in this action, and shall update the caption of the action to reflect this change.

LANCE S. WILSON, CLERK

By: _____ /s/ _____
Deputy Clerk