

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

BOBBY T. SHEPPARD,

Petitioner,

-vs-

NORMAN ROBINSON, Warden,
Chillicothe Correctional Institution,

Respondent.

:

Case No. 1:12-cv-198

:

District Judge Gregory L. Frost
Magistrate Judge Michael R. Merz

ORDER

This capital habeas corpus case is before the Court on Petitioner's Second Motion to Modify Scheduling Order and Extend the Time to Amend or Supplement His Method-of-Execution Claims (Doc. No. 44). In compliance with S. D. Ohio Civ. R. 7.3, Petitioner reports that the Warden opposes the Motion. *Id.* at PageID 471.

Petitioner notes that the Court previously granted an extension of time to and including October 2, 2014. *Id.* at PageID 472. The Motion seeking that extension was, however, unopposed (Doc. No. 43).

Under S. D. Ohio Civ. R. 7.2, the Warden's time for opposing the Second Motion to Modify does not expire until October 6, 2014. Assuming the Warden files on the due date, Petitioner's reply will not be due until October 23, 2014. To protect the Warden's right to be heard on this Motion without prejudicing Petitioner's opportunity to plead, Petitioner's obligation

to file an amendment or supplement to his method-of-execution claims is hereby SUSPENDED until a date to be set by the Court in ruling on the pending Motion.

September 22, 2014.

s/ Michael R. Merz
United States Magistrate Judge