

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

GREGORY McKNIGHT,

Petitioner,

-vs-

DAVID BOBBY, Warden,

Respondent.

:

Case No. 2:09-cv-059

:

Chief Judge Susan J. Dlott
Magistrate Judge Michael R. Merz

:

SCHEDULING ORDER

This capital habeas corpus case came on for scheduling conference by telephone at 9:30 A.M. on Monday, October 18, 2009. Assistant Federal Public Defenders Sharon Hicks and Justin Thompson participated on behalf of the Petitioner; Assistant Attorney General Stephen Maher participated on behalf of the Respondent. Pursuant to Fed. R. Civ. P. 16 and the parties Rule 26(f) Report (Doc. No. 8), the Court sets the following deadlines:

- 1. Pleadings:** The Petition was filed October 14, 2009. The return of writ and appendix must be filed by January 15, 2010. The reply must be filed not later than ninety days after the return. Respondent is permitted to file a surreply not later than thirty days after the reply is filed.
- 2. Discovery:** Any motion for discovery or to expand the record must be filed not later than sixty days after the reply is filed.
- 3. Evidentiary Hearing:** Any motion for evidentiary hearing must be filed not later than thirty

days after the Court denies discovery or after the close of discovery, whichever is later.

- 4. Motion practice:** Responses in opposition and replies in support of motions must be filed within the times limited by S. D. Ohio Civ. R. 7.2.

October 19, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge