

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>FRANK ROBERT CHESTER, <u>et al.</u></b>	:	
<b>Plaintiffs</b>	:	<b>Civil No. 1:08-cv-1261</b>
	:	
<b>v.</b>	:	<b>(Chief Judge Kane)</b>
	:	
<b>JEFFREY A. BEARD, <u>et al.</u></b>	:	<b>(Magistrate Judge Carlson)</b>
<b>Defendants</b>	:	

**ORDER**

On October 31, 2012, Magistrate Judge Carlson issued a Report and Recommendation, recommending that the Court extend its briefing deadlines related to Plaintiff Hubert Michael's pending motion for stay of execution. (Doc. No. 154.) Defendants' brief in opposition to Mr. Michael's motion was previously due on Monday October 29, 2012, and Plaintiff Michael's response was due on October 31, 2012. On October 29, 2012, Hurricane Sandy made landfall on the coast of New Jersey, causing widespread damage and power outages throughout Mid-Atlantic and Northeastern United States, including Pennsylvania. Many federal and state offices were closed on October 29 and October 30. In his Report and Recommendation, Magistrate Judge Carlson notes that he held a telephonic status conference with all counsel, in which counsel jointly notified him that the paralyzing impact of Hurricane Sandy would make it impossible for them to meet the Court's previously imposed scheduling deadlines. Thus, he recommends that the Court extend the briefing deadlines by two days, permitting Defendants to submit their brief in opposition today, October 31, 2012, and permitting Plaintiff Michael to submit his reply brief on November 2, 2012. Recognizing the broad impact of Hurricane Sandy, the Court finds that a two-day extension of the briefing deadlines is warranted, and will thus

adopt the Report and Recommendation.

**ACCORDINGLY**, on this 31<sup>st</sup> day of October 2012, **IT IS HEREBY ORDERED** **THAT** Magistrate Judge Carlson's Report and Recommendation (Doc. No. 154) is **ADOPTED**. Defendants' brief in opposition to Plaintiff Michael's motion for a stay of execution shall be due on **October 31, 2012**, and Plaintiff Michael's reply brief shall be due on **November 2, 2012**. No other deadlines in this case are impacted by the instant order.

S/ Yvette Kane  
Yvette Kane, Chief Judge  
United States District Court  
Middle District of Pennsylvania