

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANDRE STEVENS,	:	
	:	
	:	
Petitioner,	:	Civil Action No. 99-1918
	:	
v.	:	Honorable Arthur J. Schwab
	:	
MARTIN HORN, et al.,	:	
	:	
	:	
Respondents.	:	

**PETITIONER’S MOTION FOR
EXTENSION OF TIME TO FILE
REPLY BRIEF**

Petitioner Andre Stevens, through undersigned counsel, respectfully moves for an extension of time of thirty (30) days to complete and file his reply brief. In support of this motion, Mr. Stevens submits the following:

1. This is a capital habeas corpus proceeding which was remanded by the Court of Appeals to the District Court for consideration of Mr. Stevens’ claims of constitutional error at the penalty phase of the capital trial. The claims include, inter alia, jury selection errors and ineffective assistance of counsel.

2. This Court directed that updated, post-remand memoranda be filed by the parties. After receiving extensions of time, Petitioner’s memorandum was filed on June 4, 2009.

3. After receiving extensions of time, the Commonwealth’s updated

Answer to the habeas petition was filed on September 15, 2009.

4. Under the schedule established by this Court's Order of August 19, 2008, Petitioner was allowed until four weeks after filing of the Commonwealth's Answer to file a Reply Brief. Accordingly, Petitioner's Reply Brief is now due October 13, 2009.

5. We respectfully request that the Court allow us additional time to submit the reply brief. We do so because competing obligations make it impossible for us to complete a professional reply brief that will aid the Court in its review and fulfill our ethical duties to our client.

6. Undersigned counsel is counsel of record in Beard v. Kindler, No. 08-992, which will be argued before the United States Supreme Court on November 2, 2009. Most of counsel's time is required to prepare for this oral argument. In addition, on October 5, 2009, the Pennsylvania Supreme Court issued an opinion reversing the lower court's grant of relief in Commonwealth v. Small, Nos, 472 & 484 CAP. A federal habeas petition on behalf of Mr. Small must be filed in October in order to comply with the federal statute of limitations.

7. Given that undersigned counsel must both file a federal habeas petition and argue a case in the United States Supreme Court by November 2, Petitioner respectfully requests an extension of thirty (30) days in which to

complete Petitioner's reply brief. An extension of thirty (30) days will allow counsel to provide thoughtful, effective representation to Mr. Stevens and a meaningful memorandum which, we hope, will aid the Court in rendering its decision herein.

WHEREFORE, Mr. Stevens respectfully requests that the Court grant a thirty (30) day extension, until November 12, 2009, in which to complete and file his reply brief.

Respectfully submitted,

/s/ Matthew C. Lawry
Billy H. Nolas, Esq.
Matthew C. Lawry, Esq.
Federal Community Defender Office
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Suite 545 West - The Curtis Center
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215-928-0520

Dated: October 9, 2009
 Philadelphia, Pennsylvania

CERTIFICATE OF SERVICE

I, Matthew C. Lawry, hereby certify that on this 9th day of October, 2009, I caused the foregoing *Petitioner's Motion for Extension of Time to File Reply Brief* to be served on the following person by first class mail:

Christopher D. Carusone, Esq.
Deputy Attorney General
Office of Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

/s/ Matthew C. Lawry
Matthew C. Lawry