

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

JEFFREY HAVARD

PETITIONER

vs.

CIVIL ACTION NO. 5:08cv275-KS

CHRISTOPHER EPPS, Commissioner,  
Mississippi Department of Corrections, and  
JIM HOOD, Attorney General of the State of Mississippi

RESPONDENTS

**PETITIONER'S MOTION FOR TIME TO FILE REPLY**

Petitioner, Jeffrey Havard, by and through his undersigned counsel and pursuant to Rule 5 of the Rules Governing Section 2254 cases in the United States District Courts (“the Rules”), hereby moves the Court to enter an order permitting him to file a reply to Respondents’ Answer to Petition for Writ of Habeas Corpus. In support of this Motion, Petitioner would show unto the Court as follows:

1. Petitioner filed his Petition for Writ of Habeas Corpus (Docket # 10) on April 10, 2009.
2. Though Rule 5(a) of the Rules states that an answer to a habeas corpus petition is not required until the Court “so orders,” Respondents herein filed their Answer to the Petition for Writ of Habeas Corpus (Docket # 11) on May 8, 2009.
3. Under Rule 5(e), petitioners in habeas corpus matters are allowed to file a reply to an answer “within a time fixed by the judge.”
4. Petitioner requests that the Court enter an order permitting him to file a reply within sixty (60) days of the date of service of Respondents’ Answer, which would be by July 7,

2009. A reply is necessary to rebut the procedural defenses raised by Respondents in their Answer.

WHEREFORE PREMISED CONSIDERED, Petitioner respectfully requests that the Court enter an order granting him sixty (60) days within which to file a reply to Respondents' Answer to the Petition for Writ of Habeas Corpus.

Respectfully submitted,

**JEFFREY HAVARD, PETITIONER**

*s/Graham P. Carner*

---

Graham P. Carner

**OF COUNSEL:**

Mark D. Jicka (MSB No.: 8969) **[LEAD COUNSEL]**

Graham P. Carner (MSB No.: 101523)

WATKINS & EAGER PLLC

P. O. Box 650

Jackson, MS 39205

Phone: 601/965-1900

Fax: 601/965-1901

[mjicka@watkinseager.com](mailto:mjicka@watkinseager.com)

[gcarner@watkinseager.com](mailto:gcarner@watkinseager.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on May 11, 2009, I electronically filed the foregoing with the Clerk of the Court using the ECF System which sent notification of such filing to the following:

Jim Hood  
[agcivillit@ago.state.ms.us](mailto:agcivillit@ago.state.ms.us)

Patrick J. McNamara, Jr.  
[pmcna@ago.state.ms.us](mailto:pmcna@ago.state.ms.us)

Marvin L. White, Jr.  
[swhite@ago.state.ms.us](mailto:swhite@ago.state.ms.us)

*s/Graham P. Carner*  
\_\_\_\_\_  
Graham P. Carner