

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 ADDITIONAL TIME TO FILE MEMORANDUM OF
AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, Jeffrey Havard, by and through his undersigned counsel, hereby moves the Court to enter an order granting him an additional four (4) days to file his memorandum of authorities in support of his 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. Respondents filed their Answer to the Petition (Docket # 11) on May 8, 2009, and Petitioner filed his reply (Docket # 17) on June 12, 2009.
2. Pursuant to this Court's order of July 2, 2009 (Docket # 19), Petitioner's memorandum of authorities in support of his Petition for Writ of Habeas Corpus is currently due on or before July 27, 2009.
3. Petitioner's counsel have been diligently researching and preparing the memorandum of authorities. However, the volume of research on both procedural and substantive issues is high. Furthermore, as part of their research for the memorandum of authorities counsel have spent considerable time locating and reviewing medical literature on the crucial forensic issues in this case involving alleged sexual abuse of a child. Medical research

and publication in the area of child sexual abuse is extensive, and it has taken counsel more time than anticipated to complete this area of research. In addition, lead counsel for Petitioner, Mark D. Jicka, just completed a bench trial on July 20, 2009, before the Honorable Linda R. Anderson in the case styled *United States v. Carter*, Case No. 1:47-001065-001, and is also out of state for the remainder of this week for depositions.

4. Counsel need just a few more days to ensure that the above-described research is fully incorporated into the upcoming merits brief, and to ensure that Mr. Jicka is allowed to fully review the merits brief before it is filed. Accordingly, Petitioner requests that the Court enter an order granting him an additional four (4) days within which to file the memorandum of authorities in support of his Petition for Writ of Habeas Corpus, which would be by July 31, 2009.

5. Petitioner states that this modest extension will not cause any undue delay in these proceedings, and will not prejudice the Respondents.

6. Counsel for Petitioner have conferred with counsel for the Respondents, who stated that they have no objection to the requested extension.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that the Court enter an order granting him four additional days, or until July 31, 2009, within which to file a memorandum of authorities in support of his 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**]

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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 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:

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