

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 SECOND MOTION FOR ADDITIONAL TIME TO FILE REPLY TO  
RESPONDENTS' RESPONSE TO PETITIONER'S MERITS BRIEF**

Petitioner, Jeffrey Havard, by and through his undersigned counsel, hereby moves the Court to enter an order granting him an additional fourteen (14) days to file his reply to the Respondents' Response (Docket # 28) to his brief on the merits. 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. After being granted two extensions totaling eighteen (18) days, Petitioner filed his merits brief (Docket # 22) on July 31, 2009. Petitioner's merits brief consists of 123 pages.
3. After being granted two extensions totaling forty-five (45) days, Respondents filed their Response to Petitioner's merits brief (Docket # 28) on November 13, 2009. Respondents' Response consists of 170 pages.
4. Petitioner's reply to the Response was due on or before December 14, 2009. This Court, however, entered an order (Docket # 30) granting Petitioner until January 13, 2009 within which to submit the reply.

5. Petitioner's counsel have been diligently working on the reply. The intervening holidays have, however, slowed progress to some extent. More significantly, Petitioner's counsel had planned for some time to meet with Petitioner on Monday, January 11, 2010, to review the draft reply. When counsel attempted to arrange this meeting several weeks ago, they were told by prison officials that they could not set up a meeting that far in advance but that Mondays were generally good days to come for client visits. Counsel recently attempted to set the meeting again, but were informed by prison officials that Unit 32 at Parchman will be restricted for the entire week beginning Monday, January 11, 2010, for tuberculosis testing. Accordingly, Petitioner requests that the Court enter an order granting him an additional fourteen (14) days within which to file the reply, which would be by January 27, 2010. This additional time will allow Petitioner's counsel to finalize the reply and meet with their client, who has requested to review the reply before it is filed.

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

7. 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 fourteen additional days, or until January 27, 2010, within which to file a reply to Respondents' Response to Petitioner's merits brief.

Respectfully submitted,

**JEFFREY HAVARD, PETITIONER**

*s/Graham P. Carner*

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Graham P. Carner

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 5, 2010, 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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*s/Graham P. Carner*

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