

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

BARTON RAY GAINES,	§	
TDCJ-CID No. 1139507,	§	
Petitioner,	§	
	§	
V.	§	CIVIL ACTION NO. 4:06-CV-0409-Y
	§	ECF
	§	
NATHANIEL QUARTERMAN, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
Respondent.	§	

**RESPONDENT QUARTERMAN'S UNOPPOSED MOTION FOR
EXTENSION OF TIME WITH BRIEF IN SUPPORT**

This is a habeas corpus action brought by Texas state prisoner Barton Ray Gaines under 28 U.S.C. §§ 2241, 2254. By order of the Court, the Director is to file a responsive pleading no later than August 9, 2006. However, additional time to respond is required and would be greatly appreciated by both the Director and the Petitioner. The Director respectfully requests an extension of sixty days to file his answer.

And this was my fault how?

Gaines challenges a conviction for aggravated robbery. The undersigned Assistant Attorney General only received the records related to Gaines's conviction today and has therefore not yet had adequate time to fully review the records and prepare a response. **Conferring with counsel for the petitioner today revealed a number of conflicts in his schedule that would impede his ability to respond to the Director's answer if it were filed in the next thirty days. Therefore, the Director respectfully requests an extension of sixty days, up to and including October 8, 2006, to file his response. The undersigned apologizes for the delay and would greatly appreciate more time in which to prepare and file a response.**

This is the Director's first, and will be his only, request for extension of time in this cause. The Director apologizes to the Court for the necessity of this extension. The undersigned assures the Court that this request for an extension of time is not designed to harass the Petitioner, nor to

unnecessarily delay these proceedings. Rather, this extension is necessary to give the undersigned sufficient time to properly address Mr. Gaines's federal claims and best facilitate the proceeding of this case.

For the above reasons, the Director respectfully moves this Court for an extension of time of sixty days, up to and including October 8, 2006, within which to file a responsive pleading to this petition for the federal writ of habeas corpus.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

KENT C. SULLIVAN
First Assistant Attorney General

DON CLEMMER
Deputy Attorney General
for Criminal Justice

GENA BUNN
Assistant Attorney General
Chief, Postconviction Litigation Division

/s/ Baxter R. Morgan
BAXTER R. MORGAN*
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF INTERESTED PERSONS

I, Baxter R. Morgan, do hereby certify, pursuant to Local Rule 3.1(f) of the Northern District of Texas that other than the Director and Petitioner, counsel for Respondent is unaware of any person with a financial interest in the outcome of this case.

/s/ Baxter R. Morgan
BAXTER R. MORGAN
Assistant Attorney General

CERTIFICATE OF CONFERENCE

I do hereby certify that on August 9, 2006, I conferred with counsel for the petitioner, M. Michael Mowla, and he was unopposed to my motion for an extension of time and indicated that a sixty day extension would be the most beneficial arrangement for this case.

/s/ Baxter R. Morgan
BAXTER R. MORGAN
Assistant Attorney General

CERTIFICATE OF SERVICE

I, Baxter R. Morgan, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing Respondent Quarterman's Unopposed Motion for Extension of Time with Brief in Support has been served by placing same in the United States mail, postage prepaid, on this the 9th day of August, 2006, addressed to counsel for the petitioner:

M. Michael Mowla
Texas Bar No. 24048680
1318 South Main Street, Suite 103B
Duncanville, Texas 75137

/s/ Baxter R. Morgan
BAXTER R. MORGAN
Assistant Attorney General