

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL HOWARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42593

FILED

NOV 08 2004

ORDER GRANTING MOTION

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus in a capital case. On October 20, 2004, appellant filed a motion requesting a second extension of time to file the reply brief. We note, however, that the reply brief was due to be filed on October 11, 2004, and that the motion is therefore untimely. See SCR 250(7)(d). Nonetheless, cause appearing, we grant the motion. SCR 250(7)(d) (on appeal from a judgment or order resolving an application for a post-conviction relief in a capital case, supreme court may grant an extension of time of up to 60 days upon a showing of good cause). The clerk shall file the reply brief and appendix received on October 20, 2004.

It is so ORDERED.

Shearing, C.J.

cc: Patricia Erickson
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger