

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK R. ZANA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50786

FILED

JAN 16 2009

TRACIE R. LINDEMAN
CLERK OF SUPREME COURT
BY H. Lindeman
DEPUTY CLERK

ORDER DENYING MOTION

Appellant has filed a motion requesting a 45-day extension of time to file the reply brief—his third such motion. As with the prior motion, this request is based on counsel's caseload. This is not an extreme and unforeseeable circumstance justifying another extension in this case. Accordingly, the motion is denied. Appellant shall file the reply brief within 10 days from the date of this order. Failure to file a timely reply brief may be treated as a waiver of the right to file a reply brief. NRAP 28(c).

It is so ORDERED.

/ J. Sanderly, C.J.

cc: Christopher R. Oram
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger