

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZANE MICHAEL FLOYD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51409

FILED

SEP 10 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTION

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus in a death penalty case. Respondent has filed a motion requesting a third extension of time to file the answering brief. In this court's order granting respondent's second motion for extension of time, we cautioned respondent that any additional request for an extension of time must be supported by a showing of extraordinary circumstances and extreme need. Nonetheless, the motion is granted. However, we caution respondent that any additional request for additional time will not be viewed favorably and must be accompanied by a demonstration of extreme and unforeseeable circumstances. Counsel's caseload will not be deemed such a circumstance. Cf. Varnum v. Grady, 90 Nev. 374, 528 P.2d 1027 (1974). Accordingly, respondent shall have until October 10, 2009, to file and serve the answering brief.

It is so ORDERED.

1. Sanchez, C.J.

cc: Federal Public Defender/Las Vegas
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger