

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DAMON RIPPO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53626

FILED

JUN 11 2010

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. Cause appearing, we grant appellant's motion requesting a second extension of time to file the reply brief. Appellant shall have until June 17, 2010, to file and serve the reply brief. No further extensions of time shall be permitted absent 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). 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.

Paragon C.J.

cc: Federal Public Defender/Las Vegas
Attorney General/Carson City
Clark County District Attorney