

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MONTELL CHAPPELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61967

FILED

AUG 23 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
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. Appellant has filed a third motion for extension of time (45 days) to file the opening brief and appendix. The motion is granted. NRAP 31(b)(3)(D). Appellant shall have until October 4, 2013, to file the opening brief and appendix. We note that we have granted appellant two extensions of time totaling 180 days and caution appellant that any additional request for an extension of time will not be viewed favorably. No further extensions of time shall be permitted absent demonstration of extraordinary circumstances and extreme need. *Id.* Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the opening brief and appendix may result in the imposition of sanctions.

It is so ORDERED.

 Pickering , C.J.

cc: Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney