

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RICHARD HENDERSHOT,  
JOSEPH JACKSON and  
ERIBERTO GALINDO,

Petitioners,

v.

JOSEPH SCIBANA,  
Warden of Oxford Prison Camp,

Respondent.

ORDER

04-C-291-C

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This is a habeas corpus petition brought under 28 U.S.C. § 2241. The petition raises three questions: (1) whether the bureau has acted contrary to 18 U.S.C. §§ 3621(b) and 3624(c); (2) whether the bureau did not comply with the requirements of the Administrative Procedure Act before it changed its interpretation of §§ 3621 and 3624; and (3) whether the bureau's application of its new interpretation to petitioners violates the ex post facto clause. In an order dated June 30, 2004, I ordered respondent Joseph Scibana to show cause why the petition should not be granted. I gave respondent 15 days from the date of service of the petition in which to file and serve a response and petitioner 15 days from the date of service

of the response in which to file and serve a traverse. Respondent filed his response with the court on August 4, 2004, together with a certificate of service stating that petitioners had been served on the same date via United States mail. See Fed. R. Civ. P. 5(b)(2)(B) (“Service by mail is complete on mailing.”).

Petitioners’ traverse was due on August 19, 2004. On August 23, 2004, petitioners moved for a 15-day extension to file their traverse. Ordinarily, it is not this court’s practice to grant extensions of time absent a showing of good cause. See 28 U.S.C. § 2243. Further, when counsel realizes that more time is needed, it is wise practice to seek an extension before the filing is due. However, I recognize that the issues presented in this case are substantial and complex. Respondent filed a 42-page response raising numerous issues. Full briefing on these questions will aid the court in deciding the case. Therefore, on this one occasion, petitioner’s motion is GRANTED with modification. Petitioners may have until September 7, 2004 in which to file and serve their traverse. No further extensions will be granted.

Entered this 24th day of August, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge