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HABEAS, INTERLOCUTORY APPEAL, LIFE, NEBRASKA-DEFENDANT, NEBRASKA DOCKET, PROSEDOCKET, TRIAL-LINCOLN

**U.S. District Court
District of Nebraska (4 Lincoln)
CIVIL DOCKET FOR CASE #: 4:10-cv-03073-JFB-PRSE**

Jacob v. Houston
Assigned to: Chief Judge Joseph F. Bataillon
Referred to: Pro Se Docket
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 04/23/2010
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Petitioner

Steven M. Jacob

represented by **Steven M. Jacob**
41659
SPR-NEBRASKA, Nebraska State Penitentiary
P.O. Box 2500
Lincoln, NE 68542
PRO SE

V.

Respondent

Robert Houston

represented by **James D. Smith**
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2115 State Capitol Building
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Lincoln, NE 68509-8920
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ATTORNEY TO BE NOTICED

Interested Party

Nebraska Attorney General

represented by **Jon C. Bruning**
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Date Filed	#	Docket Text
04/23/2010	<u>1</u>	PETITION for Writ of Habeas Corpus filed by Steven M. Jacob (Attachments: # <u>1</u> Cover letter).(AOA) (Entered: 04/26/2010)
04/23/2010	<u>2</u>	APPLICATION for Leave to Proceed in forma pauperis filed by Petitioner Steven M. Jacob.(AOA) (Entered: 04/26/2010)
04/23/2010	<u>3</u>	PRISONER ACCOUNT STATEMENT by Petitioner Steven M. Jacob. ACCESS TO THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E-GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. (AOA) (Entered: 04/26/2010)

04/26/2010	<u>4</u>	NOTICE by Clerk acknowledging receipt of complaint filed by a pro se party. (AOA) (Entered: 04/26/2010)
05/26/2010	<u>5</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. The Motion for Leave to Proceed in Forma Pauperis (filing no. 2) is provisionally granted and Petitioner will not be required to pay the \$5.00 fee at this time. Ordered by Chief Judge Joseph F. Bataillon. (PCV,) (Entered: 05/26/2010)
06/22/2010	<u>6</u>	MEMORANDUM AND ORDER – Upon initial review of the Petition (filing no. <u>1</u>), the court preliminarily determines that all six of Petitioner's claims, as set forth in this Memorandum and Order, are potentially cognizable in federal court. The Clerk of the court is directed to mail copies of this Memorandum and Order and the Petition to Respondents and the Nebraska Attorney General by regular first-class mail. By July 26, 2010, Respondent shall file a motion for summary judgment or state court records in support of an answer. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: July 26, 2010: deadline for Respondent to file state court records in support of answer or motion for summary judgment. Pro Se Case Management Deadline set for 7/26/2010. If Respondent elects to file an answer, the procedure set out in this Memorandum and Order shall be followed by Respondent and Petitioner. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: August 25, 2010: check for respondent to file answer and separate brief. No discovery shall be undertaken without leave of the court. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party and as directed)(GJG) (Entered: 06/22/2010)
07/19/2010	<u>7</u>	MOTION to Alter or Amend Memorandum and Order <u>6</u> filed by Petitioner Steven M. Jacob.(AOA) (Entered: 07/19/2010)
07/26/2010	<u>8</u>	MOTION for Extension of Time to File Answer by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) (Entered: 07/26/2010)
07/26/2010	<u>9</u>	TEXT ORDER granting <u>8</u> Motion for Extension of Time to Answer. Robert Houston answer due 8/26/2010. Ordered by Deputy Clerk. (Copy mailed to pro se party)(MKR) (Entered: 07/26/2010)
08/02/2010	<u>10</u>	MEMORANDUM AND ORDER granting <u>7</u> Motion to Amend. Petitioner's Claim Five and Claim Six are modified as set forth in this Memorandum and Order. The Clerk of the court is directed to mail copies of this Memorandum and Order and Plaintiff's Motion to Alter or Amend <u>7</u> to Respondent and the Nebraska Attorney General by regular first-class mail. The parties shall continue to follow the deadlines and instructions outlined in the court's June 22, 2010, Memorandum and Order. Ordered by Chief Judge Joseph F. Bataillon. (Copies mailed as directed) (JSF) (Entered: 08/02/2010)
08/13/2010	<u>11</u>	SPECIFIC OBJECTIONS (RESPONSE) to the Memorandum and Order <u>10</u> on behalf of Petitioner Steven M. Jacob.(JAE) (Entered: 08/13/2010)
08/27/2010	<u>12</u>	MOTION for Extension of Time to File Answer by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) (Entered: 08/27/2010)
08/30/2010	<u>13</u>	TEXT ORDER granting <u>12</u> Motion for Extension of Time to Answer. Robert Houston answer due 9/27/2010. Ordered by Chief Judge Joseph F. Bataillon. (JAB) Modified on 8/30/2010 to reflect copy mailed to pro se party. (JAB) (Entered: 08/30/2010)
09/29/2010	<u>14</u>	MOTION to Extend time to file motion for summary judgment or state court records by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) Modified on 9/30/2010 to correct type of motion event(ADB,). (Entered: 09/29/2010)
09/30/2010	<u>15</u>	TEXT NOTICE OF INCORRECT EVENT used when filing the Motion for Extension of Time to File Answer <u>14</u> by Deputy Clerk. In the future, use the event Motion to Extend.(ADB,) (Entered: 09/30/2010)
09/30/2010	<u>16</u>	TEXT ORDER granting <u>14</u> Motion to Extend. Motion for Summary Judgment due October 4, 2010. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party)(ADB,) (Entered: 09/30/2010)

10/04/2010	<u>17</u>	MOTION to Extend <i>and for clarification of claims</i> Order on Motion to Amend,, <u>10</u> by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) (Entered: 10/04/2010)
10/13/2010	<u>18</u>	PETITIONER'S OBJECTION TO RESPONDENT'S Motion to Extend filing <u>17</u> , filed by Petitioner Steven M. Jacob. (GJG) (Entered: 10/13/2010)
10/13/2010	<u>19</u>	MEMORANDUM AND ORDER – Respondent's Motion to Extend and for Clarification of Claims (filing no. <u>17</u>) is granted. Respondent shall have until November 3, 2010, to file state court records and an answer. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party)(GJG) (Entered: 10/13/2010)
10/15/2010	<u>20</u>	MEMORANDUM AND ORDER denying <u>18</u> Petitioner's Objection to Respondent's Motion to Extend. For the reasons discussed in the court's October 13, 2010, Memorandum and Order, Petitioners Objection is denied. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party)(JAB) (Entered: 10/15/2010)
10/22/2010	<u>21</u>	MOTION to Alter or Amend Order <u>19</u> on behalf of Petitioner Steven M. Jacob. (ADB,) (Entered: 10/22/2010)
11/03/2010	<u>22</u>	ANSWER to Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> by Attorney James D. Smith on behalf of Respondent Robert Houston(Smith, James) (Entered: 11/03/2010)
11/03/2010	<u>23</u>	STATE COURT RECORDS regarding: Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> <i>in support of answer</i> by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) (Entered: 11/03/2010)
11/03/2010		ATTACHMENT – CONTINUED (Attachment No. S23) regarding State Court Records, <u>23</u> by Attorney James D. Smith on behalf of Respondent Robert Houston. (STATE COURT RECORDS (2 boxes) MAINTAINED IN CLERK'S OFFICE VAULT) received on 11/9/2010. This is a TEXT ONLY ENTRY, no PDF document is attached.(AOA) Modified on 11/17/2010 to change location of State Court Records to Vault(AOA). (Entered: 11/10/2010)
11/09/2010	<u>24</u>	MEMORANDUM AND ORDER – Petitioner's Motion to Alter or Amend (filing no. <u>21</u>), construed as a Motion to Supplement, is granted. Petitioner's request to appoint counsel is denied. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party)(GJG) (Entered: 11/09/2010)
11/15/2010	<u>25</u>	MOTION (Emergency) for court order on behalf of Petitioner Steven M. Jacob. (JSF) (Entered: 11/15/2010)
11/15/2010	<u>26</u>	OBJECTION to Respondent's Designation of Records on behalf of Petitioner Steven M. Jacob. (JSF) (Entered: 11/15/2010)
11/18/2010	<u>27</u>	MEMORANDUM AND ORDER denying <u>25</u> Petitioner's Emergency Motion for Court Order. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party)(JAE) (Entered: 11/18/2010)
12/03/2010	<u>28</u>	RESPONSE regarding OBJECTION <u>26</u> <i>to designation of records</i> by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) (Entered: 12/03/2010)
12/03/2010	<u>29</u>	MOTION to Extend Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) (Entered: 12/03/2010)
12/07/2010	<u>30</u>	TEXT ORDER granting <u>29</u> Motion to Extend. Initial brief due 2/1/2011. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party)(KBJ) (Entered: 12/07/2010)
12/08/2010	<u>31</u>	MEMORANDUM AND ORDER – Petitioner's Objection <u>26</u> is denied as moot. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party)(KBJ)

		(Entered: 12/08/2010)
12/10/2010	<u>32</u>	MOTION to Stay State Court Proceedings filed by Petitioner Steven M. Jacob. (TEL) (Entered: 12/10/2010)
12/10/2010	<u>33</u>	MOTION for Extension of Time to File Reply filed by Petitioner Steven M. Jacob. (TEL) Modified on 12/13/2010 to change event type (AOA). (Entered: 12/10/2010)
12/23/2010	<u>34</u>	MEMORANDUM AND ORDER – Petitioner's Motion to Stay <u>32</u> is denied. Petitioner's Motion for Extension of Time <u>33</u> is granted. Petitioner's reply is due January 10, 2011. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party) (KBJ) (Entered: 12/23/2010)
12/30/2010	<u>35</u>	MOTION to Alter or Amend filed by Petitioner Steven M. Jacob.(AOA) (Entered: 12/30/2010)
01/11/2011	<u>36</u>	REPLY to Respondent's Answer <u>22</u> filed by Petitioner Steven M. Jacob. (AOA) (Entered: 01/11/2011)
01/31/2011	<u>37</u>	MOTION For Enlargement of Time by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) Modified on 1/31/2011 to reflect correct event pursuant to instructions from Attorney. (TEL) (Entered: 01/31/2011)
02/02/2011	<u>38</u>	MEMORANDUM AND ORDER – Respondent's Motion for Enlargement of Time (filing no. <u>37</u>) is granted. Petitioner's Motion to Alter or Amend (filing no. <u>35</u>) is denied. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Check for initial brief on April 2, 2011. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se party)(GJG) (Entered: 02/02/2011)
02/11/2011	<u>39</u>	OBJECTION to Respondent's Motion for Extension of Time <u>37</u> and to Order <u>38</u> on behalf of Petitioner Steven M. Jacob. (ADB,) (Entered: 02/11/2011)
02/11/2011	<u>40</u>	INDEX in support of OBJECTION to Motion for Extension <u>37</u> and Order <u>38</u> <u>39</u> on behalf of Petitioner Steven M. Jacob. (ADB,) (Entered: 02/11/2011)
03/02/2011	<u>41</u>	NOTICE OF APPEAL (INTERLOCUTORY) regarding Memorandum and Order on Motion to Amend, filing <u>38</u> . Filed by Petitioner Steven M. Jacobs. (GJG)(Copy mailed to pro se party) (Entered: 03/02/2011)
03/02/2011	<u>42</u>	MOTION (Application) for Leave to Appeal in forma pauperis filed by Petitioner Steven M. Jacob. (GJG) (Entered: 03/02/2011)
03/02/2011	<u>43</u>	PRISONER ACCOUNT STATEMENT by Petitioner Steven M. Jacob. ACCESS TO THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E-GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. (GJG) (Entered: 03/02/2011)
03/02/2011	<u>44</u>	MOTION (Request) for Certificate of Appealability filed by Petitioner Steven M. Jacob. (GJG) (Entered: 03/02/2011)
03/02/2011	<u>45</u>	INDEX in support of MOTION for Certificate of Appealability <u>44</u> filed by Petitioner Steven M. Jacob. (GJG) (Entered: 03/02/2011)
03/21/2011	<u>46</u>	LETTER filed by Petitioner Steven M. Jacob. (Attachments: # <u>1</u> Transmittal Letter from USCA) (TEL) (Entered: 03/23/2011)
03/23/2011	<u>47</u>	MEMORANDUM AND ORDER denying as moot Objection <u>39</u> ; denying Motion for Leave to Appeal in forma pauperis <u>42</u> ; and denying as premature Motion for Certificate of Appealability <u>44</u> . IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Appeal IFP (filing no. <u>42</u>) is denied. Petitioner is not entitled to proceed IFP on appeal and the appeal is dismissed. The Clerk of the court shall not process the appeal to the Eighth Circuit. The Clerk of the court is directed to forward a copy of this Memorandum and Order to the parties and to the Eighth Circuit Court of Appeals. Petitioner's Objection to Respondent's Motion for Extension of Time (filing no. <u>39</u>) is denied as moot in accordance with the court's February 2, 2011, Memorandum and Order. Petitioner's Motion for Certificate of Appealability (filing no. <u>44</u>) is denied as premature. DATED this 23rd day of March, 2011. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed to pro se

		party) (Copy mailed to Eighth Circuit Court of Appeals as directed) (TEL) (Entered: 03/23/2011)
03/24/2011	<u>48</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by Clerk to USCA regarding Interlocutory Appeal <u>41</u> filed by petitioner, Steven M. Jacob. Notice of Appeal filed on 3/2/2011. Interlocutory Appeal, Motion for IFP and Certificate of Appealability has been denied pursuant to order of Judge Bataillon, filing <u>47</u> . (JAB) (Entered: 03/24/2011)
03/25/2011	<u>49</u>	Letter by Clerk, USCA 8th Circuit regarding Interlocutory Appeal <u>41</u> . Case has been assigned number 11-1663. We note that the district court has denied your request to appeal in forma pauperis. You are hereby notified that you must either pay the fees in full or renew your in forma pauperis motion in this court by April 8, 2011. If you fail to take one of these two steps, the court will issue an order directing you to show cause why the appeal should not be dismissed. (JAB) (Entered: 03/25/2011)
04/01/2011	<u>50</u>	MOTION to Alter, Amend, or Correct Memorandum and Order <u>47</u> filed by Petitioner Steven M. Jacob. (TEL) (Entered: 04/01/2011)
04/04/2011	<u>51</u>	MOTION to Extend by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) (Entered: 04/04/2011)
04/19/2011	<u>52</u>	COPY of Judgment from USCA - 8th Circuit (11-1663) that the Appellant's motion for leave to proceed on appeal in forma pauperis has been considered by the court and is granted. The court has carefully reviewed the original file of the United States District Court and orders that the appeal be dismissed for lack of jurisdiction. (Attachments: # <u>1</u> Transmittal Letter) (JSF) (Entered: 04/19/2011)
04/25/2011	<u>53</u>	MEMORANDUM AND ORDER - Respondent's Motion for Enlargement of Time (filing no. <u>51</u>) is granted. Petitioner's Motion to Alter or Amend (filing no. <u>50</u>) is denied. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Check for initial brief on May 4, 2011. (Pro Se Case Management Deadline set for 5/4/2011.) Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed/e-mailed to pro se party)(GJG) (Entered: 04/25/2011)
05/04/2011	<u>54</u>	MOTION to Extend Memorandum and Order, Terminate Motion and RRDeadlines/Hearings, Set/Reset Pro Se Case Management Deadlines,,, <u>53</u> by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) (Entered: 05/04/2011)
05/04/2011	<u>56</u>	Notice by USCA Clerk (11-1663) of the filing of a Petition for Rehearing as to Steven Jacob. (Attachments: # <u>1</u> Petition for Rehearing) (AOA) (Entered: 05/05/2011)
05/05/2011	<u>55</u>	TEXT ORDER - Filing No. <u>54</u> , Respondent's Motion for Enlargement of Time, is granted for good cause. Initial brief due May 11, 2011. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed/e-mailed to pro se party) (AOA) (Entered: 05/05/2011)
05/13/2011	<u>57</u>	STATE COURT RECORDS regarding: Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> OpinionNESCT, # <u>2</u> DocketSheetNESCT, # <u>3</u> Brief.Appellant, # <u>4</u> Brief.ProSeSupp, # <u>5</u> Brief.State, # <u>6</u> Brief.Reply, # <u>7</u> Brief.ProSeReply, # <u>8</u> Brief.Rehearing, # <u>9</u> Brief.ProSeRehearing, # <u>10</u> Transcript.Supp.a, # <u>11</u> Transcript.Supp.b, # <u>12</u> Transcript.Supp.c, # <u>13</u> Transcript.supp.d, # <u>14</u> Transcript.supp.e, # <u>15</u> Transcript.supp.f, # <u>16</u> Transcript.supp.g, # <u>17</u> Transcript.directappeal)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>58</u>	ATTACHMENT - CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE.index, # <u>2</u> BOEVol.1a, # <u>3</u>

		BOEVol. 2a, # <u>4</u> BOEVol. 2b, # <u>5</u> BOEVol. 3a, # <u>6</u> BOEVol. 3b, # <u>7</u> BOEVol. 4a, # <u>8</u> BOEVol. 4b, # <u>9</u> BOEVol. 4c, # <u>10</u> BOEVol. 5a, # <u>11</u> BOEVol. 5b, # <u>12</u> BOEVol. 5c, # <u>13</u> BOEVol. 6a, # <u>14</u> BOEVol. 6b)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>59</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol. 7a, # <u>2</u> BOEVol. 7b, # <u>3</u> BOEVol. 7c, # <u>4</u> BOEVol. 8a, # <u>5</u> BOEVol. 8b, # <u>6</u> BOEVol. 8c, # <u>7</u> BOEVol. 9a, # <u>8</u> BOEVol. 9b, # <u>9</u> BOEVol. 10a, # <u>10</u> BOEVol. 10b)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>60</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol. 11a, # <u>2</u> BOEVol. 11b, # <u>3</u> BOEVol. 11c, # <u>4</u> BOEVol. 12a, # <u>5</u> BOEVol. 12b, # <u>6</u> BOEVol. 12c, # <u>7</u> BOEVol. 13a, # <u>8</u> BOEVol. 13b, # <u>9</u> BOEVol. 13c, # <u>10</u> BOEVol. 14a, # <u>11</u> BOEVol. 14b, # <u>12</u> BOEVol. 14c, # <u>13</u> BOEVol. 15a, # <u>14</u> BOEVol. 15b)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>61</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol. 16, # <u>2</u> BOEVol. 17a, # <u>3</u> BOEVol. 17b, # <u>4</u> BOEVol. 18a, # <u>5</u> BOEVol. 18b, # <u>6</u> BOEVol. 19a, # <u>7</u> BOEVol. 19b, # <u>8</u> BOEVol. 20a, # <u>9</u> BOEVol. 20b, # <u>10</u> BOEVol. 21a, # <u>11</u> BOEVol. 21b)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>62</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol. 22a, # <u>2</u> BOEVol. 22b, # <u>3</u> BOEVol. 22c, # <u>4</u> BOEVol. 23, # <u>5</u> BOEVol. 24a, # <u>6</u> BOEVol. 24b, # <u>7</u> BOEVol. 24c, # <u>8</u> BOEVol. 24d, # <u>9</u> BOEVol. 25a, # <u>10</u> BOEVol. 25b)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>63</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol. 26a, # <u>2</u> BOEVol. 26b, # <u>3</u> BOEVol. 26c, # <u>4</u> BOEVol. 27, # <u>5</u> BOEVol. 28, # <u>6</u> BOEVol. 29, # <u>7</u> BOEVol. 30A–121, # <u>8</u> BOEVol. 31Ex.121–170, # <u>9</u> BOEVol. 32Ex.171–235, # <u>10</u> BOEVol. 33Ex.236–260)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>64</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol. 34Ex249.a, # <u>2</u> BOEVol. 34Ex249.b, # <u>3</u> BOEVol. 34Ex249c, # <u>4</u> BOEVol. 34b.Ex265–267, # <u>5</u> BOEVol. 35a.268–289, # <u>6</u> BOEVol. 35b)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>65</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol.36. Ex290–312)(Smith, James) (Entered: 05/13/2011)

05/13/2011	<u>66</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE36.340–342a, # <u>2</u> BOE36.340–342b)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>67</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE36a.Ex.313–339, # <u>2</u> BOE37.Ex.343, # <u>3</u> BOE38.Ex.344)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>68</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol. 39.Ex345, # <u>2</u> BOEVol. 39a.Ex346–348, # <u>3</u> BOEVol. 39b)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>69</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE41.Ex.349, # <u>2</u> BOE42.Ex.350, # <u>3</u> BOE43.Ex.351–356, # <u>4</u> BOE44.Ex.357–359)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>70</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol.45.Ex.360, # <u>2</u> BOEVol.45.Ex.361, # <u>3</u> BOEVol.45.Ex.362)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>71</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol.46.Ex.363, # <u>2</u> BOEVol.46.Ex.364, # <u>3</u> BOEVol.46.Ex.365)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>72</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE.Vol.46.Ex.366, # <u>2</u> BOE.Vol.46.Ex.367, # <u>3</u> BOE.Vol.46.Ex.368)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>73</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE.Vol.46.Ex.369, # <u>2</u> BOE.Vol.46.Ex.370, # <u>3</u> BOE.Vol.46.Ex.371)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>74</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend,, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines,,,,,,,,, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOEVol.46.Ex.372, # <u>2</u> BOEVol.47.Ex.373, # <u>3</u> BOEVol.47.Ex.374)(Smith, James) (Entered: 05/13/2011)

05/13/2011	<u>75</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE.Vol.47.Ex.375, # <u>2</u> BOE.Vol.47.Ex.376, # <u>3</u> BOE.Vol.47.Ex.377)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>76</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE.Vol.47.Ex.378, # <u>2</u> BOE.Vol.47.Ex.379, # <u>3</u> BOE.Vol.47.Ex.380)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>77</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE.Vol.47.Ex.382, # <u>2</u> BOE.Vol.47.Ex.383, # <u>3</u> BOE.Vol.47.Ex.384)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>78</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE.Vol.48.Ex386–386C, # <u>2</u> BOE.Vol.49.Ex387–91.Ex393–407, # <u>3</u> BOE.Vol.50.Ex408)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>79</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE Vol.51.Ex409–426, # <u>2</u> BOE Vol.52.Ex.427, # <u>3</u> BOE Vol.52.Ex.428)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>80</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE Vol.53.Ex.429–430, # <u>2</u> BOE Vol.53.Ex.431, # <u>3</u> BOE Vol.54.Ex.431, # <u>4</u> BOE Vol.55.Ex.432–470)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>81</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE Vol.57.Ex.472–513, # <u>2</u> BOE Vol.58.Ex.514–527, # <u>3</u> BOE Vol.59.Ex.528)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>82</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE Vol.60.Ex.529–570, # <u>2</u> BOE Vol.62.Ex.601–620, # <u>3</u> BOE Vol.63.Ex.621, # <u>4</u> BOE Vol.64a.Ex.622–626)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>83</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of

		Respondent Robert Houston. (Attachments: # <u>1</u> BOE Vol. 64b, # <u>2</u> BOE Vol. 65. Ex. 627, # <u>3</u> BOE Vol. 66. Ex. 628-629, # <u>4</u> BOE Vol. 67. Ex. 630-631, # <u>5</u> BOE Vol. 68. Ex. 632-635, # <u>6</u> BOE Vol. 69. Ex. 636-671)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>84</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE Vol. 71. Ex. 673-692, # <u>2</u> BOE Vol. 72. Ex. 693, # <u>3</u> BOE Vol. 73. Ex. 694)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>85</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE Vol. 73. Ex. 695, # <u>2</u> BOE Vol. 73. Ex. 696, # <u>3</u> BOE Vol. 73. Ex. 697)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>86</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE Vol. 74. Ex. 698-700, # <u>2</u> BOE Vol. 75. Ex. 701, # <u>3</u> BOE Vol. 75. Ex. 706, # <u>4</u> BOE Vol. 76. Ex. 702-705)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>87</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE Vol. 77. Ex. 707-710, # <u>2</u> BOE Vol. Supp. 1, # <u>3</u> BOE Vol. Supp. 2, # <u>4</u> BOE Vol. Supp. 3)(Smith, James) (Entered: 05/13/2011)
05/13/2011	<u>88</u>	ATTACHMENT – CONTINUED regarding Order on Motion to Extend, <u>19</u> , Order on Motion to Amend, <u>10</u> , Memorandum and Order, Set/Reset Pro Se Case Management Deadlines, <u>6</u> , Memorandum and Order on Motion for Leave to Proceed in forma pauperis, <u>5</u> . by Attorney James D. Smith on behalf of Respondent Robert Houston. (Attachments: # <u>1</u> BOE. PC. Dct., # <u>2</u> DocketIndexFilings.DCt, # <u>3</u> Filings.PC.Dct., # <u>4</u> OrderDenyPostconviction, # <u>5</u> PCMotion.DCt.)(Smith, James) (Entered: 05/13/2011)
05/16/2011	<u>89</u>	MOTION to Extend <i>Brief filing date</i> Order on Motion to Extend 55 by Attorney James D. Smith on behalf of Respondent Robert Houston.(Smith, James) (Entered: 05/16/2011)
05/17/2011	90	TEXT ORDER – Filing No. <u>89</u> , Respondent's Motion to Extend, is granted. Brief due May 27, 2011. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed/e-mailed to pro se party) (AOA) (Entered: 05/17/2011)
05/17/2011	91	TEXT ORDER – Pages 114 to 242 of filing no. [70-3] are incorrectly filed. Respondent shall correctly file these pages by May 27, 2011. Ordered by Chief Judge Joseph F. Bataillon. (Copy mailed/e-mailed to pro se party) (AOA) (Entered: 05/17/2011)

23 - 3-13
 46-62
 69-71
 SUPP. III