

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ROBERT GLEN COE,
Petitioner-Appellant

v.

RICKY BELL, Warden
Respondent-Appellee

MOTION FOR SCHEDULE TO FILE PRINCIPAL BRIEF ON MERITS

Pursuant to 6th Cir. R. App.P. 28(9) Fed.R.App.P. 28, 6th Cir.R.28, & 6th Cir. I.O.P. 28(c), and *In Re Certificates Of Appealability*, 106 F.3d 1306, 1308 (6th Cir. 1997), Appellant Robert Glen Coe respectfully moves this Court for a schedule in which to file a principal brief on his appeal. In support of this motion, Appellant states:

1. On April 1, 2000, the United States District Court granted Robert Coe a certificate of appealability to appeal the denial of relief on his petition for writ of habeas corpus under *Ford v. Wainwright*, 477 U.S. 399 (1986).

2. On April 3, 2000, in connection with Appellant's motion for stay of

execution, this Court directed the parties to file memoranda concerning issues on appeal within hours of the Court's order. In filing his memorandum in support of his motion for stay, Appellant noted that in the brief time allowed to prepare the memorandum, he was not able to fully research the issues pertinent to the appeal.

3. This Court granted a stay of execution to allow proper consideration of this appeal, noting that this appeal would be considered on an expedited basis. This court has further directed the parties to identify portions of the record pertinent to the appeal.

4. With a certificate of appealability having been granted, briefing is now appropriate. "If the district court has granted a certificate of appealability as to all issues, the case may proceed to briefing." *In Re Certificates of Appealability*, 106 F.3d 1306, 1307 (6th Cir. 1997).

5. In an expedited appeal, a briefing schedule is required: "[I]f an appeal is ordered expedited, the clerk will fix a briefing schedule which will permit the appeal to be set for oral argument at an early date, unless an earlier hearing date is directed by a judge." 6th Cir. I.O.P. 28(c).

6. As this Court is considering the case on an expedited basis, Appellant would respectfully request no fewer than 7-10 days within which to file his

principal brief on the merits.

CONCLUSION

WHEREFORE the motion should be granted, and this Court should set a briefing schedule in this matter.

Respectfully Submitted,

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