

No. 16-3397

**In the United States Court of Appeals
FOR THE SEVENTH CIRCUIT**

BRENDAN DASSEY,
PETITIONER-APPELLEE,

v.

MICHAEL A. DITTMANN,
RESPONDENT-APPELLANT.

On Appeal From The United States District Court
For The Eastern District Of Wisconsin, Case No. 14-cv-1310,
The Honorable William E. Duffin, Magistrate Judge

JOINT MOTION TO EXTEND BRIEF FILING DEADLINE

Petitioner-Appellee's response brief is currently due to the court on November 18, 2016. Per Fed. R. App. P. 31(a)(1), Respondent-Appellant's reply brief will be due on December 2, 2016. However, Counsel for Respondent-Appellant (undersigned) will be out of the office on November 24 and 25, for Thanksgiving, and again between November 30 and December 6, to close on a house and move. In order to have enough time to write the reply brief, Counsel for Respondent-Appellant proposed extending Petitioner-Appellee's deadline from November 18 to December 7 so that the reply brief will be due on December 21 (under the normal 14-day time limit). Counsel for the Petitioner-Appellee was preparing to file on November 18, but agreed to this extension. Accordingly, the parties jointly move to extend the Petitioner-Appellee's current brief deadline from November 18 to December 7.

Dated: November 4, 2016

Respectfully Submitted,

BRAD D. SCHIMEL
Attorney General

MISHA TSEYTLIN
Solicitor General

RYAN J. WALSH
Chief Deputy Solicitor General

/s/ Luke N. Berg
LUKE N. BERG
Deputy Solicitor General
Counsel of Record

JACOB J. WITTWER
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CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2016, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users.

Dated: November 4, 2016

/s/ Luke N. Berg

LUKE N. BERG

No. 16-3397

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—————

**AFFIDAVIT OF LUKE N. BERG IN SUPPORT OF JOINT MOTION TO
EXTEND BRIEF FILING DEADLINE**
—————

LUKE N. BERG, being first duly sworn, on oath deposes and says:

1. I am a Deputy Solicitor General employed by the Wisconsin Department of Justice, and counsel of record for the Respondent-Appellant in the above-captioned appeal.

2. The Petitioner-Appellee's response brief is currently due to the court on November 18, 2016. Per Fed. R. App. P. 31(a)(1), Respondent-Appellant's reply brief will be due on December 2, 2016.

3. I will be out of the office on November 24 and 25 for the Thanksgiving holiday.

4. I will be closing on a house on December 1, and will be out of the office between November 30 and December 6 to move out of my current home, close on the new house, and move in.

5. As currently scheduled, that leaves only five business days to write the reply brief in this case (November 21–23, 29–30).

6. Given the size of the record and the attention on this case, five days will not be enough time to write an adequate reply brief. The opening brief was very near the word limit and took all the time I was able to give it, and I expect the reply brief will be the same.

7. For these reasons, I proposed, and counsel for the Petitioner-Appellee agreed to, jointly asking for an extension of Petitioner-Appellee's response brief deadline from November 18 to December 7, so that the reply brief will be due on December 21 (under the normal 14-day time limit).

8. The Petitioner-Appellee, Brendan Dassey, is currently incarcerated at the Columbia Correctional Institution. He is serving a life sentence, and is eligible for extended supervision on November 1, 2048.

/s/ Luke N. Berg

LUKE N. BERG

Subscribed and sworn to before me
this 4rd day of November, 2016.

/s/ Sara R. Balde

Notary Public, State of Wisconsin
My Commission: Expires **03/06/2020**

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2016, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users.

Dated: November 4, 2016

/s/ Luke N. Berg

LUKE N. BERG