

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

February 23, 2016

Before

DIANE P. WOOD, *Chief Judge*

No. 16-1014

DENTRELL BROWN,
Petitioner-Appellant,

v.

RICHARD BROWN,
Respondent-Appellee.

Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:13-cv-01981-JMS-DKL

Jane E. Magnus-Stinson,
Judge.

ORDER

Dentrell Brown has filed a notice of appeal from the denial of his petition under 28 U.S.C. § 2254 and a motion to expand a certificate of appealability granted by the district court. This court has reviewed the final order of the district court and the record on appeal. In addition to the claim certified by the district court, we find that Brown has made a substantial showing of the denial of his right to effective assistance of trial counsel. *See* § 2253(c)(2). The parties should also address whether ineffective assistance of counsel in Brown's initial collateral proceeding can excuse his procedural default of this claim.

Accordingly, the request to expand the certificate of appealability is GRANTED.

Briefing shall proceed as follows:

1. Petitioner-Appellant's opening brief and appendix shall be filed on or before March 24, 2016.

2. Respondent-Appellee's brief shall be filed on or before April 25, 2016.
3. Petitioner-Appellant's reply brief, if any, shall be filed on or before May 9, 2016.

Important Scheduling Notice !

Notices of hearing for particular appeals are mailed shortly before the date of oral argument. Criminal appeals are scheduled shortly after the filing of the appellant's main brief; civil appeals after the filing of the appellee's brief. If you foresee that you will be unavailable during a period in which your particular appeal might be scheduled, please write the clerk advising him of the time period and the reason for such unavailability. Session data is located at <http://www.ca7.uscourts.gov/cal/calendar.pdf>. Once an appeal is formally scheduled for a certain date, it is very difficult to have the setting changed. See Circuit Rule 34(e).