

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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|---------------------|---|------------------------|
| UNITED STATES, |) | Misc. Dkt. No. 2010-03 |
| Respondent |) | |
| |) | |
| v. |) | |
| |) | ORDER |
| Colonel (O-6) |) | |
| MICHAEL D. LABOUNTY |) | |
| USAF, |) | |
| Petitioner |) | Panel No. 2 |

On 05 March 2010, counsel for the Petitioner filed a Petition for Extraordinary Relief, seeking that this Court issue a writ of Habeas Corpus to set aside that portion of his sentence ordering him to serve 20 months confinement, and to order his immediate release from the United States Naval Consolidated Brig at Charleston, South Carolina.

On 10 March 2010, counsel for the Petitioner filed a Motion for Expedited Oral Argument asserting that such oral argument could prove helpful to this Court’s understanding and consideration of the issue raised by the Petitioner. Counsel for the United States opposed the motion.

Pursuant to Rule 20(f) of the United States Air Force Court of Criminal Appeals, Rules of Practice and Procedure, it is by the Court on this 22nd day of March, 2010,

ORDERED:

That Petition for Extraordinary Relief in the Nature of a Writ of Habeas Corpus is hereby **DENIED** without prejudice to Petitioner’s right to raise the matter asserted in the petition during the course of appellate review.

It is further ordered that the Petitioner's Motion for Expedited Oral Argument is **DENIED** as being moot.

FOR THE COURT

OFFICIAL



A handwritten signature in blue ink, appearing to read "S. Lucas", is written over the seal and extends to the right.

STEVEN LUCAS, YA-02, DAF
Clerk of the Court