

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

ARMENIA LEVI CUDJO, JR.,	}	CA No. 08-99028	
Petitioner-Appellant,		}	D.C. No. CV-99-08089-JFW
v.			
VINCENT CULLEN, Warden,		}	
Respondent-Appellee.			

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**APPELLANT’S UNOPPOSED SECOND MOTION FOR EXTENSION  
OF TIME TO FILE REPLY BRIEF**

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE JOHN F. WALTER  
United States District Judge

SEAN K. KENNEDY  
Federal Public Defender  
MARK R. DROZDOWSKI  
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ARMENIA LEVI CUDJO, JR.

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

ARMENIA LEVI CUDJO, JR.,	}	CA No. 08-99028	
Petitioner-Appellant,		}	D.C. No. CV-99-08089-JFW
v.			
VINCENT CULLEN, Warden,		}	
Respondent and Appellee.			

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EXTENSION OF TIME TO FILE REPLY BRIEF**

Petitioner-Appellant Armenia Levi Cudjo, Jr. hereby requests an extension of 14 days, to and including September 1, 2010, to file and serve his reply brief. This request is made under Rule 31 of the Federal Rules of Appellate Procedure and Circuit Rule 31-2.2(b), and is based on the attached Declaration of Mark R. Drozdowski.

Dated: August 11, 2010

Respectfully submitted,  
SEAN K. KENNEDY  
Federal Public Defender

By /s/ Mark R. Drozdowski  
MARK R. DROZDOWSKI  
Deputy Federal Public Defender

Attorneys for Petitioner-Appellant  
ARMENIA LEVI CUDJO, JR.

## **DECLARATION OF MARK R. DROZDOWSKI**

I, Mark R. Drozdowski, declare:

1. I am an attorney licensed to practice law in the State of California and I am admitted to practice in this Court. I am a deputy federal public defender with the Office of the Federal Public Defender for the Central District of California (“FPD”). I am also the chief of the FPD’s capital habeas unit (“CHU”), and as such am responsible for overseeing the CHU’s 19 attorneys and its caseload of about 69 federal capital habeas cases (including two 28 U.S.C. § 2255 actions), roughly 32 federal noncapital habeas cases and direct appeals, and federal trial work. Deputy Federal Public Defender John Littrell and I represent Armenia Levi Cudjo, Jr., in this appeal. I make this declaration in support of Cudjo’s request for a 14-day extension of time, to and including September 1, 2010, to file and serve his reply brief.

2. Cudjo filed his opening brief on November 20, 2009. Appellee filed his Answering Brief on June 24, 2010. The original due date for the reply was July 19, 2010. Cudjo sought and received a 30-day extension of time to file the reply, making the current due date August 18, 2010. Cudjo now requests an extension of time of 14 days, to and including September 1, 2010, to file the reply. The reasons for the request are as follows:

3. Former Deputy Federal Public Defender Katherine Black worked on a draft of the reply before leaving the FPD on July 16, 2010 to move out of state. The draft is incomplete. My management duties have consumed nearly all of my time since the Answering Brief was filed, and I have not had sufficient time to complete the reply. My co-counsel, Mr. Littrell, has an active trial caseload, and will have been out office for about four weeks between the time the Answering Brief was filed and the current due date for the reply: three weeks for a training

seminar and vacation, and one week out of the country conducting investigation (he returns from this trip on or about August 16). As a result, Mr. Littrell has been unable to spend much time on Cudjo's reply.

4. For the reasons stated above, and despite diligent efforts, counsel for Cudjo have not been able to complete, and will not be able to complete, the reply brief by the current August 18, 2010, due date. I respectfully request a 14-day extension of time, to and including September 1, 2010, to file and serve the reply brief.

5. I have exercised diligence and will file the reply and any supplemental excerpts within the time requested. The court reporter is not in default with regard to any designated transcripts.

6. On August 11, 2010, I spoke with Bill Bilderback, counsel for Appellee, informing him that I intended to file this extension request. He replied that Appellee does not oppose the request.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 11, 2010 at Los Angeles, California.

*/s/ Mark R. Drozdowski*  
MARK R. DROZDOWSKI

**CERTIFICATE OF SERVICE**

I hereby certify that on August 11, 2010, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

By */s/ Mark R. Drozdowski*  
**MARK R. DROZDOWSKI**  
Deputy Federal Public Defender