

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.			

**APPELLANT’S UNOPPOSED THIRD 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

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ARMENIA LEVI CUDJO, JR.

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Petitioner-Appellant,		}	D.C. No. CV-99-08089-JFW
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Respondent and Appellee.			

**APPELLANT’S UNOPPOSED THIRD MOTION FOR
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Petitioner-Appellant Armenia Levi Cudjo, Jr. hereby requests a one-week extension of time, to and including September 8, 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 25, 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 20 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 one-week extension of time, to and including September 8, 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, and then a two-week extension, making the current due date September 1, 2010. Cudjo now requests a one-week extension of time, to and including September 8, 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 the majority of my time since the Answering Brief was filed. Since I filed the prior extension request on August 11, I have also spent a considerable amount of time conducting research for the Respondent’s Brief in *Cullen v. Pinholster*, Case No. 09-1088, a case before the United States Supreme Court. Petitioner filed his opening brief on

August 9, 2010; our Respondent's brief will be due in mid-September; and I have been assisting Federal Public Defender Sean Kennedy in preparing a response to the opening brief. For these reasons, I have not had sufficient time to complete Cudjo's reply. My co-counsel, Mr. Littrell, has an active trial caseload, and has been out of the office for about four weeks since the time the Answering Brief was filed. 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 September 1, 2010 due date. I respectfully request a one-week extension of time, to and including September 8, 2010, to file and serve the reply brief and any supplemental excerpts of record.

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. When I spoke with Bill Bilderback, counsel for Appellee, on August 11, 2010 to get his position on the prior extension request, he told me, unsolicited, that he would be on vacation for the next several weeks and would not oppose a future request for an extension of time to file the reply brief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 25, 2010 at Los Angeles, California.

/s/ Mark R. Drozdowski
MARK R. DROZDOWSKI

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 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