

1 Michael Laurence (Bar No. 121854)
 2 Barbara Saavedra (Bar No. 191628)
 3 Cliona Plunkett (Bar No. 256648)
 4 **HABEAS CORPUS RESOURCE CENTER**
 5 303 Second Street, Suite 400 South
 6 San Francisco, California 94107
 7 Telephone: (415) 348-3800
 8 Facsimile: (415) 348-3873
 9 E-mail: docketing@hrcr.ca.gov

10 Attorneys for Petitioner Ernest Dewayne Jones

11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

13 ERNEST DEWAYNE JONES,
 14 Petitioner,

15 v.

16 KEVIN CHAPPELL, Warden of
 17 California State Prison at San
 18 Quentin,
 19 Respondent.

20 Case No. CV-09-2158-CJC

21 **DEATH PENALTY CASE**

22 **EX PARTE APPLICATION TO FILE**
 23 **PETITIONER’S REPLY BRIEF**
 24 **REGARDING THE APPLICATION**
 25 **OF 28 U.S.C. § 2254(d) IN EXCESS**
 26 **OF PAGE LIMITS**

27 Pursuant to Rule 7-19 of the Local Rules for the United States District Court
 28 for the Central District of California, Petitioner Ernest Dewayne Jones hereby
 applies for an order granting him permission to file Petitioner’s Reply Brief
 Regarding the Application of 28 U.S.C. § 2254(d) in excess of fifty pages. *See*
 Order Granting Extension to File Opening Brief and Imposing Page Limit, filed
 September 6, 2012, ECF No. 81 (setting page limit at fifty pages).

Petitioner attempted to contact respondent’s counsel to advise him of this
 request, but was unsuccessful. The contact information for counsel for respondent
 is as follows:

1 HERBERT S. TETEF
2 Deputy Attorney General
3 300 South Spring Street, Suite 1702
4 Los Angeles, CA 90012
5 Telephone: (213) 897-0201
6 Facsimile: (213) 897-6496
7 Email: DocketingLAAWT@doj.ca.gov

8 The reasons for this application are set out in the attached Declaration of
9 Michael Laurence.

10 Dated: January 27, 2014

Respectfully submitted,

HABEAS CORPUS RESOURCE CENTER

11 By: / s / Michael Laurence

12 _____
13 Michael Laurence

14 Attorney for Petitioner Ernest Dewayne Jones
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 the claims raised in the state habeas corpus petitions, the state court did not issue
2 an opinion based on specific facts and legal conclusions that would narrow the
3 relevant issues to address; instead, the state court summarily denied all the claims
4 contained in the state habeas corpus proceedings. Consequently, our section
5 2254(d) briefing addresses a wide variety of factual and legal determinations that
6 may have informed the state court's silent denial.

7 5. We have attempted to comply with the Court's page limit; however,
8 additional space is necessary to adequately address the general application of
9 section 2254(d) to all claims contained in the Petition for Writ of Habeas Corpus.
10 Given the above-described factors and the importance of the briefed issues to
11 resolving the merits of this case, 265 pages is necessary to complete the current
12 briefing and provide respondent and this Court a sufficient basis for addressing the
13 application of section 2254(d) in this case.

14 6. On January 27, 2014, Cliona Plunkett telephoned Herbert S. Tetef,
15 Deputy Attorney General, and counsel for Respondent, and left a voicemail
16 message informing him of this request. Mr. Tetef has not responded to the
17 message.

18 The foregoing is true and correct and executed under penalty of perjury
19 under the laws of the United States on January 27, 2014.

21 /s/ Michael Laurence

22 Michael Laurence

23 Counsel for Ernest Dewayne Jones