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11 Attorneys for Petitioner ERNEST DEWAYNE JONES

12 UNITED STATES DISTRICT COURT

13 FOR CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

14 Ernest Dewayne Jones,
 15 Petitioner,
 16 v.
 17 Vincent Cullen, Acting Warden of
 18 California State Prison at San Quentin,
 19 Respondent

20 Case No. CV-09-2158-CJC
 21 DEATH PENALTY CASE
 22 EX PARTE APPLICATION FOR AN
 23 ORDER ENLARGING THE TIME TO
 24 FILE TRAVERSE AND PHASE III
 25 BUDGET
 26 No Hearing Requested

27 Pursuant to Rule 7-19 of the Local Rules for the United States District Court for
 28 the Central District of California, petitioner Ernest Dewayne Jones hereby applies for
 an order extending the current due date of May 6, 2010, for the filing of petitioner's
 Traverse to thirty days after respondent files a supplemental answer or, in the
 alternative, thirty days from the date of this Court's order denying petitioner's Motion
 for More Definite Statement, filed April 23, 2010.

Petitioner also requests the Court continue the due date of petitioner's proposed
 Phase III budget from May 10, 2010, to thirty days after respondent files a
 supplemental answer or, in the alternative, thirty days from the date of this Court's
 order denying petitioner's Motion for More Definite Statement.

1 As set forth in the attached Declaration of Michael Laurence, good cause exists
2 because the pending Motion for More Definite Statement should be resolved prior to
3 the filing of either the Traverse or the Phase III budget. Petitioner has advised counsel
4 for respondent of this request, and counsel does not oppose this application. The
5 contact information for counsel for respondent is as follows:

6
7 HERBERT S. TETEF
8 Deputy Attorney General
9 300 South Spring Street, Suite 1702
10 Los Angeles, CA 90012
11 Telephone: (213) 897-0201
12 Facsimile: (213) 897-6496
13 Email: DocketingLAAWT@doj.ca.gov

14 Dated: April 28, 2010

Respectfully submitted,

HABEAS CORPUS RESOURCE CENTER

15
16 /s/ Michael Laurence

17 By: Michael Laurence
18 Attorneys for Ernest Dewayne Jones
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1 **DECLARATION OF MICHAEL LAURENCE IN SUPPORT OF EX PARTE**
2 **APPLICATION FOR AN ORDER ENLARGING THE TIME TO FILE**
3 **TRAVERSE AND PHASE III BUDGET**

4 I, Michael Laurence, declare as follows:

5 1. I am an attorney at law admitted to practice by the State of California and
6 before this Court. I am the Executive Director of the Habeas Corpus Resource Center.
7 I was appointed as lead counsel for petitioner Ernest DeWayne Jones in the above-
8 referenced matter by this Court in an order dated April 14, 2009.

9 2. On March 10, 2010, petitioner filed a Petition for Writ of Habeas Corpus
10 by a Prisoner in State Custody (28 U.S.C. § 2254). Respondent filed an Answer to
11 Petition for Writ of Habeas Corpus on April 6, 2010.

12 3. The parties submitted a joint briefing schedule that this Court adopted on
13 April 12, 2010.

14 4. On April 23, 2010, petitioner filed a Motion for More Definite Statement
15 (“Motion”) pursuant to Rule 12(e) of the Federal Rules of Civil Procedure, requesting
16 an order to compel respondent to supplement his Answer with a statement of the
17 material facts in dispute with respect to each claim raised in the Petition.

18 5. In accordance with the Joint Briefing Schedule, petitioner’s Traverse is
19 due on May 6, 2010, thirty days from the date of filing of the Answer. However, the
20 hearing on petitioner’s Motion is not calendared until May 24, 2010, nineteen days
21 after petitioner’s Traverse is due. Petitioner’s request for a more definite statement is
22 based on respondent’s failure to respond to the factual allegations in the Petition and to
23 set out the areas of factual dispute. This Court’s ruling on the Motion will determine
24 how petitioner frames his Traverse.

25 6. On April 27, 2010, Ms. Patricia Daniels, counsel for petitioner, spoke to
26 Herbert Tetef, counsel for respondent, and informed him of the substance of this
27 request for additional time, including the proposed due dates. Mr. Tetef authorized
28 petitioner’s counsel to represent to the Court that he has no objection to this request.

