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6 Attorneys for Petitioner ERNEST DEWAYNE JONES

7  
 8 UNITED STATES DISTRICT COURT  
 9 FOR CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

11 Ernest Dewayne Jones,  
 12 Petitioner,

13 v.

14 Michael Martel, Acting Warden of  
 15 California State Prison at San Quentin,  
 16 Respondent

Case No. CV-09-2158-CJC  
 DEATH PENALTY CASE

PETITIONER'S UNOPPOSED EX  
 PARTE APPLICATION FOR A 30-  
 DAY EXTENSION OF TIME TO  
 FILE A REPLY TO RESPONDENT'S  
 OPPOSITION TO PETITIONER'S  
 SUPPLEMENTAL BRIEF ON THE  
 COURT'S POWER TO GRANT AN  
 EVIDENTIARY HEARING

18 Pursuant to Rule 7-19 of the Local Rules for the United States District Court for  
 19 the Central District of California, Petitioner Ernest Dewayne Jones hereby applies for  
 20 an order granting a 30-day extension of time, to and including October 28, 2011, to file  
 21 a Reply to Respondent's Opposition to Petitioner's Supplemental Brief on the Effect of  
 22 *Cullen v. Pinholster* on This Court's Power to Grant An Evidentiary Hearing.  
 23 Petitioner's Reply is currently due to be filed September 28, 2011.

24 Petitioner has advised Respondent's counsel of this request, and counsel does  
 25 not oppose this application. The contact information for counsel for Respondent is as  
 26 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

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10 Dated: September 22, 2011

11 Respectfully submitted,

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HABEAS CORPUS RESOURCE CENTER

/s/ Michael Laurence

By: Michael Laurence  
Attorney for Ernest Dewayne Jones

1                   **DECLARATION OF MICHAEL LAURENCE IN SUPPORT OF**  
2                   **PETITIONER’S EX PARTE APPLICATION FOR A 30-DAY EXTENSION OF**  
3                   **TIME TO FILE HIS MOTION FOR EVIDENTIARY HEARING**

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 April 6, 2011, this Court issued an order vacating the briefing  
10 schedule previously adopted by the Court and ordered Petitioner to file a supplemental  
11 brief addressing his entitlement to an evidentiary hearing in view of the Supreme  
12 Court’s holding in *Cullen v. Pinholster*, 131 S. Ct. 1388 (2011).

13           3.     Petitioner filed a Supplemental Brief on the Effect of *Cullen v. Pinholster*  
14 on the Court’s Power to Grant an Evidentiary Hearing on July 18, 2011. On  
15 September 14, 2011, respondent filed an opposition to petitioner’s supplemental  
16 briefing. Petitioner’s reply is due on September 28, 2011.

17           4.     I will be unable to file a reply to respondent’s opposition by September  
18 28, 2011. Since receiving respondent’s opposition, I filed an extensive post-  
19 evidentiary hearing reply brief in *Ashmus v. Wong*, No. 93-CV-00594-TEH, involving  
20 the claim that the California statute fails to genuinely narrow the application of the  
21 death penalty. I have also been working on an opening brief relating to two additional  
22 claims in that case, which is due on October 3, 2011.

23           5.     On September 21, 2011, Ms. Cliona Plunkett, counsel for petitioner,  
24 contacted Mr. Herbert Tetef, counsel for Respondent, and informed him of the  
25 substance of this request for additional time, including the proposed due date. Mr.  
26 Tetef authorized petitioner’s counsel to represent to the Court that he has no objection  
27 to this request.

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6. I anticipate filing our reply on or before October 18, 2011.

The foregoing is true and correct and executed under penalty of perjury under the laws of the United States on September 22, 2011.

/s/ Michael Laurence  
Michael Laurence