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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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 15 **ERNEST DEWAYNE JONES,**
 16 Petitioner,
 17 v.
 18 **MICHAEL MARTEL, Acting**
Warden of California State Prison at
 19 **San Quentin,**
 20 Respondent.

CV-09-2158-CJC
DEATH PENALTY CASE
OPPOSITION TO PETITIONER'S
EX PARTE APPLICATION FOR A
180-DAY EXTENSION OF TIME
TO FILE AN OPENING BRIEF ON
THE APPLICATION OF 28 U.S.C. §
2254(d)
 Honorable Cormac J. Carney
 United States District Judge

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1 Respondent hereby opposes Petitioner’s request for an additional 180 days in
2 which to file his brief addressing the application of 28 U.S.C. § 2254(d) to his
3 claims.

4 On April 16, 2012, this Court granted Petitioner until September 12, 2012 to
5 file his § 2254(d) brief. Thus, Petitioner was initially granted 150 days – five
6 months -- to file his brief. Petitioner is now requesting an additional 180 days –
7 another six months -- to file the brief, for a total of 330 days – nearly one year.
8 Petitioner’s request for 330 days, nearly one year, to file his § 2254(d) brief, is
9 patently excessive and unreasonable.

10 Petitioner’s state court judgment became final in 2003. Granting Petitioner
11 eleven months to file his § 2254(d) brief in this case will frustrate the state’s
12 interest in obtaining finality of the state court judgment as well as its right to punish
13 a convicted offender. *See Duncan v. Walker*, 533 U.S. 167, 179, 121 S. Ct. 2120,
14 150 L. Ed. 2d 251 (2001) (“The 1-year limitation period of § 2244(d)(1) quite
15 plainly serves the well-recognized interest in the finality of state court judgments”).

16 Petitioner’s reliance on “anticipated and unanticipated litigation commitments
17 in other cases” is insufficient to demonstrate good cause, particularly since
18 Petitioner has failed to identify what work has been completed thus far, and what
19 additional work remains to be completed. Further, counsel on both sides
20 continually face “anticipated and unanticipated litigation commitments” and
21 staffing changes. However, Petitioner has not explained why the cited cases took
22 precedence over this case during the past five months, or why other cases must take
23 precedence over this case in the next sixth months. Absent a firm deadline, other
24 cases will always seemingly take priority. Further, contrary to counsel’s averment,
25 *Pinholster* and *Richter* have *simplified* not complicated the issues to be briefed.

26 Petitioner’s request for an additional 180 days to file his § 2254(d) brief is
27 unduly excessive and is not supported by good cause. Therefore, this Court should
28 deny the request and set a firm deadline for Petitioner’s *Pinholster* brief to be filed.

1 Alternatively, Respondent requests that the Court provide interim due dates for the
2 briefing of Petitioner's claims, i.e., Claims 1 through 10 must be briefed in final
3 form and provided to Respondent by October 10, 2012; Claims 11 through 20 must
4 be briefed in final form and provided to Respondent by November 9, 2012; and
5 Claims 21 through 30 must be briefed in final form and provided to Respondent by
6 December 24, 2012.

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Dated: September 5, 2012

Respectfully submitted,
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CERTIFICATE OF SERVICE

Case Name: **Ernest Dewayne Jones v.
Michael Martel, Acting Warden
of California State Prison at San
Quentin (DEATH PENALTY
CASE)**

No. **CV-09-2158-CJC**

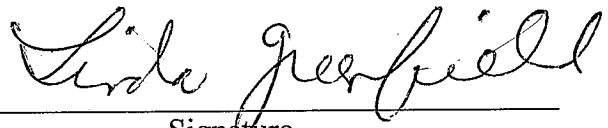
I hereby certify that on September 5, 2012, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**OPPOSITION TO PETITIONER'S EX PARTE APPLICATION FOR A 180-DAY
EXTENSION OF TIME TO FILE AN OPENING BRIEF ON THE APPLICATION OF 28
U.S.C. § 2254(d)**

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

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 5, 2012, at Los Angeles, California.

Linda Greenfield
Declarant


Signature