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10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 **ERNEST DEWAYNE JONES,**  
 16 Petitioner,  
 17 v.  
 18 **KEVIN CHAPPELL, Warden,**  
 19 **California State Prison at San**  
 20 **Quentin,**  
 21 Respondent.

CV-09-2158-CJC  
**UNOPPOSED APPLICATION FOR  
 ENLARGEMENT OF TIME TO  
 FILE OPPOSITION TO  
 PETITIONER'S OPENING 2254(D)  
 BRIEF ON EVIDENTIARY  
 HEARING CLAIMS;  
 DECLARATION OF HERBERT S.  
 TETEF**  
**CAPITAL CASE**  
 The Honorable Cormac J. Carney  
 U.S. District Judge

24 Respondent respectfully moves for a forty-five day enlargement of time, to  
 25 and including June 24, 2013, in which to file an Opposition to Petitioner's Opening

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1 2254(D) Brief on Evidentiary Hearing Claims. This Application is unopposed and  
2 is based on good cause as set forth in the attached Declaration.

3 Dated: May 2, 2013

Respectfully submitted,

4 KAMALA D. HARRIS  
5 Attorney General of California  
6 DANE R. GILLETTE  
7 Chief Assistant Attorney General  
8 LANCE E. WINTERS  
9 Senior Assistant Attorney General  
10 A. SCOTT HAYWARD  
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/s/ Herbert S. Tetef  
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1 brief will have to be edited in order to comply with the Court's page limitation.  
2 The brief will also need to be formatted for filing.

3 7. I had hoped to complete and file the Opposition within this extension  
4 period. However, the briefing of the numerous claims in the 430-page Petition,  
5 which are based on over 3,000 pages of exhibits submitted in state court, has been  
6 time-consuming. In addition, the attorney in the office who was assigned to assist  
7 me with the Opposition has had to work on several other matters relating to her  
8 responsibilities as an evidentiary hearing coordinator in the office. Further, I have  
9 been managing a large backlog of cases that include three capital cases, habeas  
10 corpus cases in the United States District Court and California Supreme Court, and  
11 appeals in the Ninth Circuit Court of Appeals and California Court of Appeal. I  
12 was also out of the office on several days of leave, including two mandatory  
13 furlough days.

14 8. Accordingly, I am respectfully requesting a forty-five day enlargement of  
15 time, to and including June 24, 2013, in which to file the Opposition to Petitioner's  
16 Opening Brief.

17 9. On April 30, 2013, I spoke to Petitioner's counsel Cliona Plunkett over  
18 the telephone. Ms. Plunkett informed me that she has no objection to this  
19 Application for an Enlargement of Time.

20 Dated this 2nd day of May, 2013, at Los Angeles, California.

21  
22 /s/ Herbert S. Tetef  
23 HERBERT S. TETEF  
24 Deputy Attorney General  
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