

1 KAMALA D. HARRIS  
 Attorney General of California  
 2 DANE R. GILLETE  
 Chief Assistant Attorney General  
 3 LANCE E. WINTERS  
 Senior Assistant Attorney General  
 4 XIOMARA COSTELLO  
 Deputy Attorney General  
 5 HERBERT S. TETEF  
 Deputy Attorney General  
 6 State Bar No. 185303  
 300 South Spring Street, Suite 1702  
 7 Los Angeles, CA 90013  
 Telephone: (213) 897-0201  
 8 Fax: (213) 897-6496  
 E-mail: DocketingLAAWT@doj.ca.gov  
 9 *Attorneys for Respondent*

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 12

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

CV-09-2158-CJC  
**UNOPPOSED APPLICATION FOR  
 LEAVE TO FILE OPPOSITION  
 TO PETITIONER'S OPENING  
 2254(D) BRIEF ON EVIDENTIARY  
 HEARING CLAIMS IN EXCESS  
 OF 100 PAGES; DECLARATION  
 OF HERBERT S. TETEF**

**CAPITAL CASE**  
 The Honorable Cormac J. Carney  
 U.S. District Judge

23  
 24 Respondent Kevin Chappell, the Warden of the California State Prison at San  
 25 Quentin, California, respectfully requests leave to file his Opposition to Petitioner's  
 26 Opening 2254(d) Brief on Evidentiary Hearing Claims in excess of 100 pages.

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

This Application is unopposed and is supported by good cause as set out in the attached declaration of Herbert S. Tetef.

Dated: June 14, 2013

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
DANE R. GILLETE  
Chief Assistant Attorney General  
LANCE E. WINTERS  
Senior Assistant Attorney General  
XIOMARA COSTELLO  
Deputy Attorney General

/s/ Herbert S. Tetef  
HERBERT S. TETEF  
Deputy Attorney General  
*Attorneys for Respondent*

LA2009505879  
61027619.doc



1 that certain claims are barred, Respondent's Opposition must exceed 100 pages.  
2 However, it need not exceed 170 pages.

3 7. Respondent notes that although this Court's Order of September 6, 2012,  
4 also limited Petitioner's Opening Brief to 100 pages, Petitioner was granted leave  
5 to file his Opening Brief in excess of 100 pages, not to exceed 150 pages. Further,  
6 even though Petitioner's Opening Brief was 146 pages, it only addressed the  
7 application of 28 U.S.C. § 2254(d) *to ten of the thirty claims*. Respondent will  
8 address all thirty claims in no more than 170 pages.

9 8. Accordingly, Respondent respectfully requests leave to file his  
10 Opposition to Petitioner's Opening 2254(d) Brief on Evidentiary Hearing Claims in  
11 excess of 100 pages.

12 9. On June 11, 2013, I spoke to Petitioner's counsel Cliona Plunkett over  
13 the telephone. Ms. Plunkett informed me that she has no objection to this  
14 Application.

15 Dated this 14th day of June, 2013, at Los Angeles, California.

16 /s/ Herbert S. Tetef  
17 HERBERT S. TETEF  
18 Deputy Attorney General  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28