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11 Attorneys for Petitioner ERNEST DEWAYNE JONES

12 UNITED STATES DISTRICT COURT  
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

14 Ernest Dewayne Jones,  
 15 Petitioner,

16 v.

17 Kevin Chappell, Acting Warden of  
 18 California State Prison at San Quentin,  
 19 Respondent.

20 Case No. CV-09-2158-CJC

21 DEATH PENALTY CASE

22 PETITIONER'S EX PARTE  
 23 APPLICATION FOR AN  
 24 EXTENSION OF TIME TO FILE A  
 25 REPLY BRIEF ON THE  
 26 APPLICATION OF 28 U.S.C. §  
 27 2254(d)

28 Pursuant to Rule 7-19 of the Local Rules for the United States District Court for the Central District of California, Petitioner Ernest Dewayne Jones hereby applies for an order granting a ninety (90) day extension of time, to and including November 12, 2013, to file his reply to Respondent's Opposition to Petitioner's Opening § 2254(d) Brief on Evidentiary Hearing Claims. Petitioner's reply is currently due to be filed August 14, 2013.

Petitioner has advised Respondent's counsel of this request, and counsel does not object to the extension of time requested in the application. The contact information for counsel for Respondent is as 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

8 This request is based on good cause as set forth in the attached Declaration of  
9 Michael Laurence, Esq.

10 Dated: August 2, 2013

11 Respectfully submitted,

12 HABEAS CORPUS RESOURCE CENTER

13 /s/ Michael Laurence

14 By: Michael Laurence  
15 Attorney for Ernest Dewayne Jones  
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1                   **DECLARATION OF MICHAEL LAURENCE IN SUPPORT OF**  
2                   **PETITIONER’S EX PARTE APPLICATION FOR AN EXTENSION OF TIME**  
3                   **TO FILE HIS REPLY BRIEF ON THE APPLICATION OF 28 U.S.C. § 2254(d)**

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 26, 2012, this Court issued an order denying without prejudice  
10 Petitioner’s Motion for Evidentiary Hearing and directing Petitioner to file an opening  
11 brief addressing how each of his thirty claims for relief satisfies 28 U.S.C. section  
12 2254(d)(1) and/or (d)(2). The parties met and conferred, and filed a proposed briefing  
13 schedule with the Court on April 12, 2012. Joint Stipulation And [Proposed] Order  
14 Re: Schedule For Merits Briefing Under 28 U.S.C. § 2254(d)(1) and 2254(d)(2) (“Joint  
15 Stipulation”), filed Apr. 12, 2012, ECF No. 76.

16                  3.       Petitioner filed his opening brief on December 10, 2012. On June 15,  
17 2013, following two requests for extensions of time totaling 105 days, Respondent  
18 filed an Opposition to Petitioner’s Opening § 2254(d) Brief on Evidentiary Hearing  
19 Claims. Pursuant to the briefing schedule, Petitioner’s reply is due on August 14,  
20 2013.

21                  4.       Counsel will be unable to file a reply to Respondent’s Opposition by  
22 August 14, 2013. In addition to my duties as the Executive Director of HCRC, I am  
23 the supervising attorney on eighteen cases, and I have had to assist other supervisors  
24 with multiple conflicting state habeas corpus petition filing deadlines. Since receiving  
25 Respondent’s Opposition, I have assisted in filing four state habeas corpus petitions  
26 and one informal reply in California Supreme Court Case Nos. S180670, S212038,  
27 S166315, S212256, and S154541.

28                  5.       Due to staff turnover and mandatory furloughs, Ms. Plunkett and Ms.

1 Lobo have experienced increased workloads and have been required to assist on other  
2 cases with imminent filing deadlines, in addition to their assigned cases. Ms. Plunkett  
3 is currently preparing state habeas corpus petitions in two cases (California Supreme  
4 Court Case Nos. S089609 and S044693) and an informal reply (California Supreme  
5 Court Case No. S206945), in addition to ongoing litigation relating to an Order to  
6 Show Cause in San Mateo County Superior Case No. SC31145.

7 6. Similarly, Ms. Lobo is currently working on an informal reply in  
8 California Supreme Court Case No. S174549, with a filing deadline of October 30,  
9 2013. She also is preparing a state habeas corpus petition in California Supreme Court  
10 Case No. S029551.

11 7. Given other litigation demands and the novel and complex nature of the  
12 section 2254(d) issues before this Court, it is my professional judgment that we will  
13 need a 90-day extension of time to reply to Respondent's Opposition.

14 8. On August 2, 2013, Ms. Plunkett contacted Mr. Herbert Tetef, counsel for  
15 Respondent, and informed him of the substance of this request for additional time,  
16 including the proposed due date. Mr. Tetef authorized petitioner's counsel to represent  
17 to the Court that he does not object to the length of time being requested.

18 9. Granting this extension will permit counsel to draft and edit the Reply  
19 Brief to ensure the avoidance of repetitive arguments and thus conserve the parties'  
20 and this Court's limited time.

21 The foregoing is true and correct and executed under penalty of perjury under  
22 the laws of the United States on August 2, 2013.

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25 /s/ Michael Laurence  
26 Michael Laurence  
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