IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

RODNEY BERRYMAN, Sr., Petitioner, vs. ROBERT K. WONG, as Acting Warden of San Quentin State Prison, Respondent	Case No. 1:95-cv-05309-AWI DEATH PENALTY CASE ORDER GRANTING PETITIONER'S REQUEST FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE HIS REPLY BRIEF AS TO CLAIM 18

Pursuant to the Court's February 18, 2009 order establishing a briefing schedule for Claim 18 of the Petition (doc. 400), Petitioner Rodney Berryman, Sr. ("Berryman") timely filed his points and authorities in support of the claim on March 31, 2009 (doc. 402) and Respondent Robert K. Wong, as Acting Warden of San Quentin State Prison (the "Warden"), timely filed his opposition points and authorities on April 15, 2009 (doc. 405). The schedule called for Berryman to file his reply brief by April 29, 2009.

Berryman's counsel now requests a two week extension within which to file his reply brief, up to and including May 13, 2009, due to a surgery scheduled for his wife on April 27, 2009. In light of the brevity of the requested extension, the Court grants the motion. The February 18, 2009 order is modified to require Berryman's reply brief as to Claim 18 to be filed on or before May 13, 2009.

IT IS SO ORDERED.

DATE: April 24, 2009

/s/ Anthony W. Ishii
Anthony W. Ishii
United States District Judge

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