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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 STEVEN DAVID CATLIN,

12 Petitioner,

13 v.

14 RON DAVIS, Warden of California State  
Prison at San Quentin,

15 Respondent.<sup>1</sup>  
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Case No. 1:07-cv-01466-LJO-SAB

DEATH PENALTY CASE

ORDER GRANTING-IN-PART  
PETITIONER'S UNOPPOSED  
APPLICATION FOR FIRST EXTENSION OF  
TIME TO FILE REPLY BRIEF

(Doc. No. 89)

17 Before the court is a motion by petitioner Steven David Catlin, through appointed CJA  
18 counsel Saor Stetler and Richard Novak, to extend the deadline for filing his reply to  
19 respondent's answering merits brief and opposition to petitioner's motion for evidentiary  
20 development, from the current November 30, 2016 to January 31, 2017.

21 Counsel for petitioner state the requested relief is in the interest of justice because (i)  
22 Proposition 62 on the November 8, 2016 California General Election Ballot, if adopted, could  
23 moot the instant petition; and (ii) given the complexity of this case the reply brief cannot be  
24 completed in the three weeks available following the election and prior to the current deadline.  
25 (*See* Doc. No. 89-1.)

26 Counsel for petitioner, Mr. Novak, represents that counsel for respondent, deputy

27 <sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Ron Davis, Warden of San Quentin State Prison, is substituted as respondent in  
28 place of his predecessor wardens.

1 attorney general Stephen G. Herndon, does not object to the requested extension. (*See* Doc. No.  
2 89-1 at ¶ 9.)

3 The court finds good cause for a reasonable extension of time sufficient for completion of  
4 petitioner's reply brief following the election results, but not for the length of time requested.

5 Having considered the record and moving papers including the argument of petitioner's  
6 counsel that the case is complex, the documents are voluminous and the reply brief is to address  
7 respondent's opposition both on the merits and to petitioner's motion for evidentiary  
8 development, the court is unpersuaded the request sixty day extension is necessary. Counsel has  
9 significant and long-lived familiarity with this proceeding including its claims, defenses, merits  
10 arguments and scheduled deadlines. Merits briefing was originally scheduled in April 2013.  
11 (*See* Doc. No. 49.) Petitioner's noted motion was filed on June 30, 2015. (*See* Doc. No. 84.)  
12 Respondent's answering brief on the merits and in opposition to petitioner's motion for  
13 evidentiary development was filed on June 1, 2016 (*see* Doc. No. 88), one month before  
14 Proposition 62 qualified for the ballot.

15 Furthermore, counsel does not explain what portion of the work on the reply brief has  
16 been completed and what portion remains to be completed. Notably, the instant extension  
17 request, though the first on the reply brief, is the fifth such request since proceedings were  
18 reinitiated on April 5, 2013 following state court exhaustion.

19 Accordingly, for good cause shown, petitioner's unopposed motion for first extension of  
20 time to file his reply to respondent's answering brief on the merits and in opposition to  
21 petitioner's motion for evidentiary development is GRANTED-IN-PART to and including  
22 January 9, 2017.

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25 IT IS SO ORDERED.

26 Dated: October 21, 2016

  
UNITED STATES MAGISTRATE JUDGE

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