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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

LOUIS JOSEPH BROUSSARD,

Petitioner,

vs.

JAMES WALKER,

Respondent.

1:09-cv-1521-JLT (HC)

ORDER GRANTING PETITIONER'S  
FIRST MOTION FOR EXTENSION OF  
TIME TO FILE A RESPONSE TO ORDER  
TO SHOW CAUSE

(DOCUMENT #8)

THIRTY DAY DEADLINE

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se in a habeas corpus action pursuant to 28 U.S.C. § 2254. On January 25, 2010, petitioner filed a motion to extend time to file a response to the order to show cause. (Doc. 8). In the order to show cause, the Court expressed the view that the instant petition was untimely and should be dismissed because it was filed over twelve years after the one-year limitation period for filing such petitions had expired. (Doc. 7). The Court directed Petitioner to file a response in which he should explain why the petition should not be dismissed.

Petitioner now seeks an additional thirty days to respond, contending that the prison is on indefinite lock-down. (Doc. 8). Normally, the Court would not permit an extension of time for a prison lock-down, since lock-downs are a normal part of prison life and since the issue to which Petitioner has been ordered to respond is a factual question, not a legal one: Are there any additional circumstances that Petitioner has not disclosed to the Court which would toll the

1 running of the one-year limitation period?

2           However, because the Court contemplates dismissal of the petition on timeliness grounds,  
3 the Court will permit one extension of time of thirty days in which to respond. *No further*  
4 *extensions of time will be granted unless Petitioner can show exceptional and extraordinary*  
5 *circumstances therefore.*

6           Accordingly, IT IS HEREBY ORDERED that:

7           Petitioner is granted thirty days from the date of service of this order in which to file his  
8 response to the order to show cause.

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10 IT IS SO ORDERED.

11 Dated: January 27, 2010

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/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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