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

ROBERT W. WASHINGTON,

1:09-cv-01801-AWI-JLT (HC)

Petitioner,

ORDER DENYING PETITIONER'S
MOTION FOR SANCTIONS (Doc. 35)

vs.

ORDER GRANTING PETITIONER'S
MOTION FOR EXTENSION OF TIME TO
FILE TRAVERSE (Doc. 36)

D. G. ADAMS,

Respondent.

THIRTY DAY DEADLINE

_____ /

Petitioner is a state prisoner proceeding pro se in a habeas corpus action pursuant to 28 U.S.C. § 2254.

On September 13, 2010, after the Answer had been filed, Petitioner filed his Traverse, in which he contended that Respondent had failed to respond to certain of Petitioner's allegations. (Doc. 30). On September 1, 2010, Respondent sought leave to file a sur-reply that included answers to the additional claims. (Doc. 31). On September 13, 2010, the Court granted Respondent's motion and directed Respondent to file an Answer to the additional claims within sixty days. (Doc. 32). At that point, Respondent's answer was due on or before November 15, 2010. Respondent filed the Answer to the additional claims on November 12, 2010. (Doc. 34). On November 17, 2010, Petitioner filed a motion to impose sanctions on Respondent for his failure to timely file the Answer to the additional claims. (Doc. 35). On December 22, 2010, Petitioner asked for an extension of time to file his Traverse to the Answer filed on November

1 12, 2010. (Doc. 36). Petitioner has yet to file his Traverse.

2 From the foregoing chronology, it is obvious that Petitioner's motion for sanctions is
3 groundless: Respondent filed the supplemental Answer on November 12, 2010, well before the
4 November 15, 2010 due date. Thus, that motion must be denied.

5 More troubling, however, is Petitioner's utter silence in the months since these events
6 transpired. Petitioner has not filed his Traverse nor has he sought additional time to file such a
7 Traverse. Nevertheless, in an excess of caution, the Court will grant Petitioner one, thirty-day
8 extension of time within which to file his response to the supplemental Answer. No further
9 extensions of time will be granted absent a showing of extraordinary circumstances beyond
10 Petitioner's control.

11 **ORDER**

12 Good cause having been presented to the court and GOOD CAUSE APPEARING
13 THEREFOR, IT IS HEREBY ORDERED that:

- 14 1. Petitioner's motion for sanctions (Doc. 35), is DENIED; and,
- 15 2. Petitioner's motion for extension of time to file a Traverse to the supplemental
16 Answer (Doc. 36), is GRANTED. Petitioner is granted thirty (30) days from the
17 date of service of this order in which to file his traverse. *No further extensions of*
18 *time will be granted absent a showing of extraordinary circumstances.*

19
20 IT IS SO ORDERED.

21 Dated: May 18, 2011

22 /s/ Jennifer L. Thurston
23 UNITED STATES MAGISTRATE JUDGE
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