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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GENE EDWARD EVANS,)	1:09-CV-01857 AWI GSA HC
Petitioner,)	ORDER GRANTING PETITIONER'S
v.)	MOTION TO WITHDRAW OBJECTION
JAMES A. YATES,)	[Doc. #24]
Respondent.)	ORDER GRANTING RESPONDENT
)		EXTENSION OF TIME TO SUPPLEMENT
		REPLY TO OBJECTIONS

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On October 2, 2009, Petitioner filed the instant federal petition for writ of habeas corpus in this Court. On December 30, 2009, Respondent filed a motion to dismiss the petition as being filed outside the one-year limitations period prescribed by 28 U.S.C. § 2244(d)(1). Petitioner filed an opposition on February 25, 2010. Respondent filed a reply to the opposition on April 8, 2010.

In Petitioner's opposition, he claims he is entitled to equitable tolling because he suffers from mental health impairments. On March 4, 2010, Respondent requested additional time in order to secure Petitioner's mental health records to enable Respondent to meaningfully respond to Petitioner's claim for tolling. Petitioner objected to the disclosure of his mental health records to the Court on March 17, 2010. In his reply, Respondent stated he was unable to address Petitioner's

1 claims without the medical records and therefore proposed that Petitioner had chosen to abandon his
2 claim for equitable tolling.

3 On April 15, 2010, the Court issued an order discussing the necessity of these medical
4 records for meaningful review of Petitioner's claim for equitable tolling. The Court granted
5 Petitioner leave to withdraw his objection in order that Respondent could secure the mental health
6 records and properly respond to Petitioner's claims. Petitioner moved to withdraw his objections on
7 April 30, 2010. He states he now has no objection to Respondent having access to his mental health
8 records.

9 Accordingly, IT IS HEREBY ORDERED:

- 10 1) Petitioner's motion to withdraw his objection is GRANTED; and
11 2) Respondent is GRANTED thirty (30) days from the date of service of this order to
12 supplement his reply.

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14 IT IS SO ORDERED.

15 Dated: May 10, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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