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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSH THOMAS,

1:10-cv-01005-OWW-SMS (HC)

Petitioner,

ORDER DENYING PETITIONER’S MOTION
FOR JUDGMENT ON MERITS

v.

[Doc. 15]

K. ALLISON, Warden

Respondent.

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

This case is ready for review on the merits, as Respondent filed an answer to the petition on October 28, 2010, and Petitioner filed a traverse on November 23, 2010.

On September 24, 2010, Petitioner filed a motion for judgment on the merits. Petitioner argues that because Respondent filed a motion for an extension of time to file an answer, Respondent has failed to comply with this Court’s order to respond. Contrary to Petitioner’s claim, Respondent’s counsel timely filed a motion for an extension of time and set forth good cause to extend the time to respond. As previously stated, Respondent filed a timely answer to the petition on October 28, 2010, and the Court will issue a ruling in due course. Based on the foregoing, Petitioner’s motion for judgment on the merits is DENIED.

IT IS SO ORDERED.

Dated: December 6, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE