

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN MICHAEL BEAMES,

Petitioner,

V.

KEVIN CHAPPELL, Warden of the California State Prison at San Quentin,

Respondent.

| Case No. 1:10-cv-1429-AWI-SAB

DEATH PENALTY CASE

**ORDER GRANTING PETITIONER'S
REQUEST TO FILE LATE OPPOSITION TO
RESPONDENT'S MOTION TO DISMISS**

(ECF NO. 101)

**CLERK TO FILE OPPOSITION ATTACHED
AS EXHIBIT A TO MOTION**

(ECF NO. 101-1)

On October 27, 2014, Respondent Kevin Chappell, Warden of California State Prison at San Quentin (“Warden”) moved to dismiss the federal petition of Petitioner John Michael Beames (“Beames”). Before the Court is Beames’s November 20, 2014 unopposed request for leave to file untimely opposition to the Warden’s motion. (ECF NO. 101.)

For good cause shown, it is HEREBY ORDERED that:

1. Beames's motion (ECF NO. 101) is GRANTED,
2. The Clerk of the Court is directed to file Beames's opposition (ECF NO. 101-1) attached as Exhibit A to the instant motion,
3. The opposition shall be deemed timely as of the date of filing, and

4. Warden's reply to Beames's opposition, if any, shall be served and filed not less than seven days preceding the December 3, 2014 hearing.

IT IS SO ORDERED.

Dated: November 20, 2014

Emily A. Bae
UNITED STATES MAGISTRATE JUDGE