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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CORNELIO VEDOLLA ESPINOZA,)	1:10-cv-01521-LJO-SKO-HC
)	
Petitioner,)	ORDER GRANTING PETITIONER'S
)	REQUEST FOR LEAVE TO FILE AN
)	UNTIMELY TRAVERSE (DOC. 30)
v.)	
)	ORDER DISMISSING REQUEST FOR
MIKE McDONALD, Warden,)	LEAVE TO FILE MOTIONS AS MOOT
)	(DOC. 30)
Respondent.)	
)	
)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 303.

Pursuant to an earlier order of the Court, Respondent filed an answer to the petition on March 7, 2011. Petitioner then failed to file a traverse within the thirty-day time limit previously set by order of the Court. Petitioner filed a notice of appeal on May 23, 2011. On July 7, 2011, the matter was remanded to this Court by the United States Court of Appeals for the Ninth Circuit after Petitioner's appeal was dismissed because it was taken from a non-appealable order. On August 2, 2011, Petitioner filed a traverse, a motion for the appointment of

1 counsel, and a motion to proceed in forma pauperis.

2 Pending before the Court is Petitioner's request, filed on
3 August 2, 2011, for leave to file a traverse and to file the
4 previously filed motions.

5 Petitioner declares that he is a Mexican national who does
6 not speak or write English well enough to communicate clearly or
7 effectively, speaks only Spanish, and has a third-grade
8 education. He further states that although he attempted to
9 obtain assistance with legal work within his institution of
10 confinement, he was unable to do so. Petitioner has documented
11 his need for an interpreter at trial and his inability to read.

12 Good cause appearing, Petitioner's request for leave to file
13 an untimely traverse is GRANTED.

14 Because the traverse has already been filed, no
15 administrative direction to the Clerk to file the traverse is
16 needed.

17 Petitioner's request for leave to file his motions is
18 DISMISSED as moot because the motions have already been filed.

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20 IT IS SO ORDERED.

21 **Dated:** August 8, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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