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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

| | | |
|-------------------------|---|-----------------------------------|
| DAVID J. VALENCIA, JR., |) | 1:11-CV-01066-AWI-SKO-HC |
| |) | |
| Petitioner, |) | ORDER GRANTING RESPONDENT THIRTY |
| |) | (30) DAYS IN WHICH TO FILE |
| v. |) | OPPOSITION OR NOTICE OF NON- |
| |) | OPPOSITION TO PETITIONER'S MOTION |
| |) | TO AMEND THE FIRST AMENDED |
| |) | PETITION (DOC. 47) |
| |) | |
| CONNIE GIPSON, Warden, |) | ORDER PERMITTING PETITIONER TO |
| |) | FILE A REPLY TO ANY OPPOSITION |
| Respondent. |) | WITHIN TWENTY (20) DAYS OF THE |
| |) | DATE OF SERVICE |
| | |) |
| |) | ORDER STAYING THE FILING OF A |
| |) | TRAVERSE PENDING RESOLUTION OF |
| |) | PETITIONER'S MOTION TO AMEND THE |
| |) | FIRST AMENDED PETITION |

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. Pending before the court are 1) Petitioner's request for judicial notice of Fourteenth and Eighth Amendments in Grounds 3 and 4 and/or a motion to amend the petition (doc. 47), which the Court understands to be a motion to amend the first amended petition (FAP); and 2) Petitioner's motion to amend the FAP to change the

1 name of the Respondent (doc. 37).

2 I. Briefing Schedule for Petitioner's Motion
3 to Amend the Petition (Doc. 47)

4 Petitioner filed a first amended petition (FAP) on June 14,
5 2012. Respondent filed an answer on October 18, 2012.

6 Respondent is GRANTED leave to file opposition or notice of
7 non-opposition to Petitioner's motion to amend the FAP (doc. 47)
8 no later than thirty (30) days after the date of service of this
9 order.

10 Petitioner is GRANTED leave to file a reply to any
11 opposition filed by Respondent no later than twenty (20) days
12 after the date of service of any opposition.

13 II. Staying the Filing of a Traverse

14 Pursuant to this Court's order of July 2, 2012, Petitioner's
15 traverse to the answer is due thirty days after the date of
16 service of the answer, or on or about November 25, 2012.

17 In view of the pendency of Petitioner's motion to amend the
18 FAP, the Court's order to Petitioner to file a traverse is STAYED
19 pending resolution of Petitioner's motion or further order of the
20 Court.

21
22 IT IS SO ORDERED.

23 **Dated: October 31, 2012**

24 **/s/ Sheila K. Oberto**
25 **UNITED STATES MAGISTRATE JUDGE**