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Damous D. Nettles

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAMOUS D. NETTLES,  
  
                                Petitioner,  
  
                                v.  
  
RAUL LOPEZ,  
  
                                Respondent.

No. 1:11-CV-1201 AWI JLT

**PROPOSED ORDER TO EXTEND TIME FOR  
PETITIONER TO ELECT WHETHER TO  
RECHARACTERIZE HIS HABEAS  
PETITION AS AN ACTION UNDER 42 U.S.C.  
§ 1983**

Hon. Jennifer L. Thurston  
U.S. Magistrate Judge

On August 22, 2016, the Court issued an order directing petitioner Damous D. Nettles to notify the Court within 45 days whether he wishes his habeas petition to be recharacterized as an action brought under 42 U.S.C. § 1983, pursuant to the Ninth Circuit’s decision in this case. Dkt. entry 55. Petitioner intends to file with the U.S. Supreme Court a petition for writ of certiorari to review the Ninth Circuit’s 6-5 en banc decision on or before the October 24, 2016 due date for the petition.

Petitioner thus requests that the Court extend the due date to respond to the Court’s order for approximately 60 days to December 5, 2016 to permit petitioner to file and have the Supreme

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Court's consider and decide his certiorari petition before he makes the election whether to have his habeas petition recharacterized as a § 1983 action.

Respectfully submitted,

Dated: October 6, 2016


/s/ John Balazs  
John Balazs

Attorney for Petitioner  
DAMOUS D. NETTLES

**ORDER**

IT IS SO ORDERED that the deadline for petitioner to notify the Court whether he wishes his habeas petition to be recharacterized as an action under 42 U.S.C. § 1983 is extended to December 5, 2016.

Dated: October 7, 2016

  
HON. JENNIFER L. THURSTON  
United States Magistrate Judge