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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

No. 1:11-cv-1201-AWI-JLT (HC)
ORDER GRANTING SECOND MOTION TO
EXTEND TIME
(Doc. 60)

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 6-5 en banc decision in this case. (Doc. No. 55.) On October 7, 2016, the Court granted an extension until December 5, 2016, for petitioner to file his notice because he intended to file with the U.S. Supreme Court a petition for writ of certiorari to review the Ninth Circuit’s decision.

On October 21, 2016, Petitioner filed the petition for writ of certiorari to the U.S. Supreme Court. See Nettles v. Grounds, No. 16-6556. The petition was denied on January 9, 2017. (Doc. 60) Counsel is awaiting Mr. Nettles’ decision about whether he wishes the action to be recharacterized as a § 1983 action and requests additional time to receive this response. Id. at 2.

Good cause appearing, the Court **ORDERS** 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. §

1 1983 is extended to February 24, 2017.

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3 IT IS SO ORDERED.

4 Dated: February 7, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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