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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DWIGHT TAMPLIN, JR.,

 Petitioner,

 v.

RANDY GROUNDS, Warden,

 Respondent.

Case No. 1:12-cv-001633-AWI-SKO-HC

ORDER DIRECTING THAT PETITIONER'S
AMENDED PETITION BE FILED NO LATER
THAN NINETY (90) DAYS AFTER THE
DATE OF SERVICE OF THIS ORDER

ORDER GRANTING PETITIONER THIRTY
DAYS IN WHICH TO WITHDRAW THE
PREVIOUSLY FILED MOTION TO AMEND
(DOC. 35)

INFORMATIONAL ORDER REGARDING A
RESPONSE TO THE PETITION

Petitioner is a state prisoner proceeding in forma pauperis and with counsel 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 is the parties' joint scheduling report filed on November 13, 2013, pursuant to the Court's order that issued following the appointment of counsel for Petitioner.

Pursuant to the stipulation of the parties, and good cause appearing, it is ORDERED that Petitioner may FILE an amended

1 petition no later than ninety (90) days after the date of service of
2 this order.

3 The parties are INFORMED that the Court is mindful of
4 Respondent's concern that sufficient time be given to permit a full
5 response to an amended petition. Upon review of the amended
6 petition that is filed, the Court will issue an appropriate order
7 concerning a response.

8 Further, in view of Petitioner's intention to file an amended
9 petition, it appears that Petitioner's motion to amend the petition,
10 which was filed on June 24, 2013 (doc. 35), before counsel was
11 appointed, may be moot and should be dismissed. However,
12 Petitioner's counsel did not address the pending motion to amend the
13 petition in the joint scheduling report.

14 Accordingly, Petitioner is GRANTED thirty (30) days to withdraw
15 the previously filed motion to amend the petition.

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18 IT IS SO ORDERED.

19 Dated: December 4, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE