UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SURGIO VALENCIA BALTAZAR,

        Petitioner,

    v.

SCOTT FRAUENHEIM, Warden,

        Respondent.

Case No. 1:13-cv-01538-BAM HC

ORDER PERMITTING PETITIONER TO SUPPLEMENT RECORD WITH DOCUMENTATION OF FILING

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.[1] On April 14, 2015, Respondent moved to dismiss claims two through six of the first amended petition as untimely. On April 27, 2015, Petitioner opposed the motion, contending that since the statute of limitations was tolled by Petitioner's October 28, 2013, filing of a state habeas corpus petition in Merced County Superior Court, claims two through six, as set forth in the petition pending before this Court had been timely filed. On May 21, 2015, Respondent filed the letter of Linda Romero Soles, Court Executive Officer for the Criminal Division of the Merced County Superior Court, stating that the Court had no record of Petitioner's filing a state petition for habeas corpus on or about October 28, 2013. Petitioner did not respond.

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[1] Pursuant to 28 U.S.C. § 636(c)(1), both parties consented, in writing, to the jurisdiction of a United States Magistrate Judge to conduct all further proceedings in this case, including the entry of final judgment.

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1   To ensure the accuracy and completeness of the record, the Court hereby GRANTS

2   Petitioner 30 days from the date of this order to supplement the record with any additional

3   documentary evidence concerning his submission of claims two through six in a California state

4   petition for writ of habeas corpus. The Court will then take the motion under submission and

5   issue its order in due course.

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8   IT IS SO ORDERED.

9   Dated: **October 21, 2015**   /s/ *Barbara A. McAuliffe*   _

10   UNITED STATES MAGISTRATE JUDGE