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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 SURGIO VALENCIA BALTAZAR,  
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11 Petitioner,

12 v.

13 KELLY SANTORO, Warden,

14 Respondent.  
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CASE NO. 1:13-cv-01538-BAM HC

CORRECTIVE ORDER GRANTING  
PETITIONER'S MOTION FOR EXTENSION OF  
TIME TO SUPPLEMENT THE RECORD

(Docs. 41 & 43)

16 On December 21, 2015, the Court entered an order erroneously captioned "Order Granting  
17 Respondent's Motion for Extension of Time to Supplement the Record." Doc. 43. The order actually  
18 granted Petitioner's motion for enlargement of time. Accordingly, the Court hereby STRIKES  
19 Document 43, and issues the following corrective order,  
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21 Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant  
22 to 28 U.S.C. § 2254.<sup>1</sup> On April 14, 2015, Respondent filed a motion to dismiss contending that  
23 Petitioner's claims two through six were time-barred. Petitioner opposed the motion, contending that  
24 Respondent failed to consider an additional habeas petition filed in the Merced County Superior Court  
25 on or about October 28, 2013. Thereafter, the parties have disputed whether Petitioner actually filed the  
26 petition in October 2013. On October 22, 2015, this Court entered an order permitting Petitioner to  
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28 <sup>1</sup> 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.

1 supplement the record within thirty days by providing documentation of his filing a petition in Merced  
2 County Superior Court in October 2013.

3 Petitioner's response was misdirected and erroneously filed as a new petition (No. 1:15-cv-  
4 01687-JLT HC) on November 5, 2015. On December 17, 2015, Petitioner filed a statement authorizing  
5 the Court to close the erroneously opened case. He simultaneously filed a motion in the above-  
6 captioned case for thirty additional days to secure documentation from the prison mail logs confirming  
7 that the state petition was sent to the Merced County Superior Court in October 2013.  
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9 Resolution of the disputed state filing is in the interest of justice and constitutes good cause for  
10 an extension of time. Accordingly, the Court hereby ORDERS that the time for Petitioner to supplement  
11 the record to document his filing a state habeas petition in the Merced County Superior Court in or about  
12 October 2013 be extended for thirty (30) days from the date of this order.  
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14 IT IS SO ORDERED.

15 Dated: December 21, 2015

16 /s/ Barbara A. McAuliffe  
17 UNITED STATES MAGISTRATE JUDGE  
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