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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RODERICK GENE REED,  
Petitioner,  
v.  
MATEVOUSIAN, Warden at USP  
Atwater,  
Respondent.

No. 1:15-cv-01019-SKO HC  
**ORDER DENYING PETITIONER'S  
MOTION TO FILE LATE TRAVERSE**  
  
**(Doc. 20)**

Petitioner is a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.<sup>1</sup> On November 25, 2015, Respondent submitted a motion to dismiss in reply to the petition. Pursuant to the Court's order requiring Respondent to file a response and setting briefing schedule (the "response order"), Petitioner then had opportunity to file opposition or a statement of non-opposition within 21 days (on or before December 16, 2015). Doc. 5 at 3. Petitioner did not do so. As provided by the response order, the Court deemed the matter submitted 30 days after Respondent filed the motion to dismiss (December 28, 2015).

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<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           Petitioner asserts that he filed a motion for extension of time on or about December 24,  
2 2015. The Court’s docket in this case does not reflect the filing of any extension of time for  
3 Petitioner to file a reply (traverse) prior to the motion now before the Court. Even if Petitioner  
4 had filed a motion to extend time on or about December 24, 2015, the motion would have been  
5 untimely. A court may only enlarge the time “on motion made after the time has expired if the  
6 party failed to act because of excusable neglect.” F.R.Civ.P. 6(b)(1)(B). Petitioner does not  
7 allege excusable neglect.  
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9           Accordingly, Petitioner’s motion for leave to file a late reply (traverse) is hereby  
10 DENIED.

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12 IT IS SO ORDERED.

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14 Dated: February 26, 2016

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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