

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRUCE ARMSTRONG,
Petitioner,
v.
DEBBIE ASUNCION, Warden
Respondent.

Case No. 1:15-cv-01109-DAD-MJS (HC)
**ORDER GRANTING RESPONDENT’S
REQUEST FOR LEAVE TO FILE A
RESPONSE TO PETITIONER’S
SUPPLEMENTAL BRIEF
(ECF NO. 35)**

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 23, 2017, Petitioner, through his counsel, filed a motion for an evidentiary hearing. (ECF No. 30.) That motion was fully briefed and deemed submitted as of June 15, 2017. (ECF Nos. 31, 32, 33.)

On July 31, 2017, Petitioner filed a supplemental brief. (ECF No. 34.) The supplemental brief is based on the June 30, 2017 decision following rehearing en banc in Godoy v. Spearman, 861 F.3d 956 (9th Cir. 2017). Now before the Court is Respondent’s request for leave to respond. (ECF No. 35.)

1 Respondent's request is HEREBY GRANTED. Respondent may file a response to
2 Petitioner's supplemental brief within thirty (30) days of the date of service of this order.
3 Petitioner may file a reply within seven days of filing of the response.

4
5 IT IS SO ORDERED.

6 Dated: August 3, 2017

7 /s/ Michael J. Seng
8 UNITED STATES MAGISTRATE JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28