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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEFFERY CURTIS AULT,
Petitioner,
v.
M.E. SPEARMAN,
Respondent.

1:17-cv-00334 LJO-MJS (HC)

ORDER GRANTING PETITIONER'S
MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO MOTION TO
DISMISS

ORDER DENYING MOTION FOR
RECONSIDERATION

(Document# 15)

30-DAY DEADLINE

Petitioner is a state prisoner proceeding pro se in a habeas corpus action pursuant to 28 U.S.C. § 2254. On May 18, 2017, Respondent filed a motion to dismiss the petition for lack of jurisdiction, failure to exhaust, and procedural default. (ECF No. 13.) On June 15, 2017, Petitioner filed a document styled, "Motion for Reconsideration and For Extension of Time." (ECF No. 15.) Therein, he sets forth various reasons he was unable to exhaust his claims and argues that his failure to exhaust and/or procedural default should be excused.

Petitioner's motion for reconsideration will be denied on the ground that he does not identify the ruling he wishes reconsidered. The only rulings issued in this case

1 denied Petitioner's motion for appointment of counsel, authorized Petitioner to proceed
2 in forma pauperis, and ordered Respondent to respond. Petitioner's arguments do not
3 address these points.

4 Petitioner's request for extension of time is unclear. To the extent he intends to
5 ask the Court to excuse his untimely exhaustion of administrative or judicial remedies,
6 such arguments will be considered, if at all, in the ruling on the motion to dismiss. To the
7 extent he requests an extension of time to more fully oppose the motion, his request will
8 be granted.

9 Good cause having been found, Petitioner is HEREBY GRANTED thirty (30) days
10 from the date of service of this order in which to file a further opposition to the motion to
11 dismiss. Respondent may file a reply to the opposition and/or to the arguments
12 contained in the instant motion within seven (7) days of the date Petitioner's opposition
13 is, or could have been, filed, whichever is earlier.

14 IT IS SO ORDERED.

15
16 Dated: June 22, 2017

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE