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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 JORGE CONTRERAS,

11 Petitioner,

12 v.

13 RONALD DAVIS, Warden of California State  
14 Prison at San Quentin,

15 Respondent.<sup>1</sup>

Case No. 1:19-cv-01523-AWI-SAB

DEATH PENALTY CASE

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION GRANTING  
FURTHER EQUITABLE TOLLING TO AND  
INCLUDING AUGUST 1, 2022

16 Petitioner, Jorge Contreras, a state prisoner convicted and sentenced to death in Tulare  
17 County Superior Court on December 11, 1996, proceeds through appointed counsel, Brian M.  
18 Pomerantz, Esq. and Ken Murray, Esq., in this proceeding commenced on October 28, 2019,  
19 pursuant to 28 U.S.C. § 2254.<sup>2</sup> The matter was referred to a United States Magistrate Judge  
20 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 Before the Court is the motion filed March 8, 2022, by Petitioner's counsel to equitably  
22 toll the limitations deadline under 28 U.S.C. § 2244 for the filing of his federal habeas petition in  
23 this action. The motion, Petitioner's fourth, requests that the current as tolled petition filing  
24 deadline of June 9, 2022, be further equitably tolled to and including August 1, 2022, on grounds  
25 of continuing impediments arising from the COVID-19 pandemic.

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27 <sup>1</sup> Pursuant to Federal Rules of Civil Procedure, Rule 25(d), Ron Broomfield, Warden of San Quentin State Prison,  
shall be substituted as Respondent in place of his predecessor wardens.

28 <sup>2</sup> On April 22, 2022, Mr. Murray filed notice of his withdrawal as co-counsel representing Petitioner in this  
proceeding.

1 On April 15, 2022, the magistrate judge issued his findings and recommendation that  
2 Petitioner's motion be granted. (ECF No. 99.) The findings and recommendation were served  
3 on the parties that same day, and contained notice that any objections thereto were to be filed not  
4 later than fourteen (14) days thereafter. (Id. at 8.) The Court subsequently extended the deadline  
5 for filing objections to May 23, 2022. (ECF No. 103, at 6.) Neither party has objected or  
6 otherwise responded to the findings and recommendation and the time for doing so has passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
8 Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the  
9 Court finds the findings and recommendation to be supported by the record and proper analysis.

10 Accordingly,

11 1. The findings and recommendation issued on April 15, 2022 (ECF No. 99) are  
12 adopted-in-full.

13 2. The motion for equitable tolling (ECF No. 94) is granted. Petitioner shall file his  
14 federal habeas petition on or before August 1, 2022.

15 IT IS SO ORDERED.

16 Dated: May 27, 2022

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19 SENIOR DISTRICT JUDGE