

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JORGE CONTRERAS,

Petitioner,

V.

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

## Respondent.

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

## DEATH PENALTY CASE

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION GRANTING  
FURTHER EQUITABLE TOLLING TO AND  
INCLUDING DECEMBER 9, 2021

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. 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 April 20, 2021 by Petitioner’s counsel to equitably toll  
22 the limitations deadline under 28 U.S.C. § 2244 for the filing of his federal habeas petition in this  
23 action. The motion requests that the current as tolled petition filing deadline of June 9, 2021 be  
24 further equitably tolled to and including December 9, 2021 on grounds of continuing impediments  
25 arising from the COVID-19 pandemic.

26 On May 21, 2021, the magistrate judge issued his findings and recommendation that  
27 Petitioner's motion be granted. (ECF No. 71.) The findings and recommendation were served on  
28 the parties on May 21, 2021, and contained notice that any objections thereto were to be filed not

1 later than fourteen (14) days thereafter. (*Id.* at 8.) Neither party has objected or otherwise  
2 responded to the findings and recommendation and the time for doing so has passed.

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

6 Accordingly,

7 1. The findings and recommendation issued on May 21, 2021 (ECF No. 71) are  
8 adopted-in-full.

9 2. The motion for equitable tolling (ECF No. 65) is granted. Petitioner shall file his  
10 federal habeas petition on or before December 9, 2021.

11 IT IS SO ORDERED.

12 Dated: June 7, 2021



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 SENIOR DISTRICT JUDGE

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