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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PEDRO ARIAS,

 Petitioner,

 v.

WARDEN, San Quentin State Prison,

 Respondent.

No. 2:99-cv-0627 WBS DAD

DEATH PENALTY CASE

ORDER

Petitioner seeks to defer the date for submission of petitioner’s brief regarding the application of 28 U.S.C. § 2254(d) until second counsel has been appointed to replace petitioner’s recently retired second counsel, Peter Giannini. (ECF No. 267.) Respondent objects to an open-ended deferment of the due date for petitioner’s brief, but is willing to stipulate to an extension of time to a known date. (ECF No. 269.)

Petitioner has failed to show good cause to relieve him of a due date for filing his brief. If second counsel cannot be appointed for some time, the court expects that petitioner’s current counsel will take over the responsibilities previously assigned to Mr. Giannini. That said, there is no question that petitioner has shown good cause to extend the current April 15, 2014 filing date.

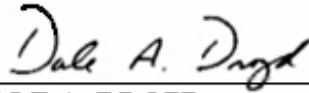
Accordingly, and good cause appearing, within ten days of the filed date of this order, petitioner shall propose a due date for filing his § 2254(d) brief. In keeping with past practice, the

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1 court expects petitioner's counsel to seek a stipulation from respondent's counsel with respect to
2 the proposed extension of time.

3 IT IS SO ORDERED.

4 Dated: March 26, 2014

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7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

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