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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY GRANT FRYE,

Petitioner,

No. CIV S-99-0628 LKK KJM

vs.

DEATH PENALTY CASE

ROBERT L. AYERS, Jr.,
Warden of San Quentin
State Prison,

Respondent.

ORDER

_____/

Petitioner seeks a four court-day extension of time for the filing of his merits brief on Claims 42 and 44. The time for submitting these briefs previously was extended due to delay in obtaining the transcripts. Doc. 355. Petitioner supports his request with a showing of good cause. Accordingly, the January 2, 2009 request is GRANTED. Petitioner shall file his brief on or before January 9, 2009. Respondent's brief shall be filed on or before February 5, 2009, and Petitioner's reply is due February 20, 2009.

DATED: January 6, 2009.



U.S. MAGISTRATE JUDGE