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

**LEE MAX BARNETT,**  
  
Petitioner,  
  
**v.**  
  
**MICHAEL MARTEL, Acting Warden of  
San Quentin State Prison,**  
  
Respondent.

Case No. 2:99-cv-2416 JAM CMK

**DEATH PENALTY CASE**

**ORDER**

Good cause appearing, it is hereby ordered that respondent's request for an extension of time to reply to petitioner's motion to further amend the third amended petition in this case<sup>1</sup> be do on or before September 12, 2011.

Dated: August 17, 2011

/s/ Craig M. Kellison  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Respondent originally indicated this request would be opposed by petitioner. However, informal communication with counsel for both parties has advised the court that petitioner withdraws his opposition due to personal tragedy affecting the Attorney General's Office.