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

DANNIE RAY HILLHOUSE,

No. CIV S-03-0142-MCE-CMK

Petitioner,

DEATH PENALTY CASE

vs.

ORDER

KEVIN CHAPPELL,

Respondent.

_____ /

Petitioner, a state prisoner proceeding with appointed counsel, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is Petitioner’s motion to expand the record, (Doc. 2330), currently set for hearing on August 29, 2012. The court also has pending before it budget issues which are currently unresolved. As a result of those budgeting issues, the petitioner has been unable to file a reply to respondent’s response to the motion.

The court finds it appropriate to sua sponte reset the hearing on the motion to expand to October 9, 2012, at 1:30 p.m. Petitioner’s reply deadline is extended accordingly.

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1 In addition, pursuant to Federal Rule of Civil Procedure 25(d), Kevin Chappell,
2 acting warden of California State Prison at San Quentin, is hereby substituted for his predecessor.
3 The Clerk of the Court is directed to update the docket to reflect the above caption.

4 IT IS SO ORDERED.

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6 DATED: August 23, 2012

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE
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