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DUANE HOLLOWAY

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

13
14 DUANE HOLLOWAY,) **DEATH PENALTY CASE**
)
15 Petitioner,)
) NO. 2:05-cv-02089-DJC-JDP
16 vs.)
)
17 CHANDES ANDES, Acting Warden) **STIPULATION AND ORDER EXTENDING**
) **TIME FOR FILING OBJECTIONS TO**
18 of the California State Prison at San) **FINDINGS AND RECOMMENDATIONS**
) **GRANTING IN PART AND DENYING IN**
19 Quentin,) **PART SUMMARY JUDGMENT BASED ON**
) **PROCEDURAL DEFENSES**
20 Respondent.)
)
21)
)

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23 On September 29, 2006, counsel for petitioner filed his petition for writ of habeas corpus
24 in this action. Doc. 29. On October 30, 2006, petitioner filed a second state habeas petition with
25 the California Supreme Court in *In Re Duane Holloway*, Case No. S147749 raising identical
26 claims to those contained in his federal petition. On August 19, 2009, the California Supreme
27 Court denied the claims contained in the second state petition on the merits and almost all of
28 those same claims based on various state procedural bars.

1 On April 14, 2010, counsel for Respondent filed a Motion for Summary Judgment as to
2 various claims contained in the petition based on state procedural bars. (Doc 56.) On May 24,
3 2011, counsel for Petitioner filed his Opposition to that summary judgment motion. (Doc. 69.)
4 On June 23, 2011, counsel for Respondent filed his Reply Brief in support of the summary
5 judgment motion. (Doc. 73.)

6 On January 31, 2024, Magistrate Judge Jeremy Peterson issued detailed findings and
7 recommendations recommending that respondent’s motion for summary judgment be denied
8 without prejudice as to claims 1.C, 1.F, 7.B, 11, and 28 of the petition and granted as to claims
9 1.A, 1.D (to the extent it alleges ineffective assistance of counsel), 1.E.2, 2.A, 2.B, 2.C, 2.D, 2.E,
10 3, 4, 5.A, 5.B, 5.C, 5.D, 5.E.1, 5.F.2, 5.F.4, 5.G, 5.H, 5.I, 5.K, 5.L, 5.M, 5.N, 5.O, 6.C, 7.A, 7.C,
11 7.D, 9, 10.A, 19.B, 19.C, 21.B, 27 and 31. (Doc. 94.) Those Findings and Recommendations
12 further provided: “Any response to the objections shall be filed and served within thirty days
13 after service of the objections.” (Doc. 94 at 47.)

14 In order to provide meaningful objections to the Findings and Recommendations, counsel
15 for Petitioner and Respondent need to reacquaint themselves with the details of the state and
16 federal petition, the California Supreme Court’s resolution of petitioner’s claims on direct appeal
17 and in his first and second habeas proceedings, the arguments made at the time they wrote their
18 briefs on these issues, and the law that has evolved in this area since the filing of those briefs
19 more than a decade ago. Counsel are balancing these responsibilities with completing obligations
20 in other cases.

21 Accordingly, counsel for the parties stipulate as follows:
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The time for filing of the parties objections to the Findings and Recommendations issued by the Court on January 31, 2024 shall be extended for a period of 90 days, from March 1, 2024 to May 30, 2024.

Dated: February 23, 2024

Respectfully Submitted,
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Federal Defender

/s/ Harry Simon
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Assistant Federal Defender

Attorneys for Petitioner
DUANE HOLLOWAY


ROB BONTA
Attorney General of California

/s/ Barton Bowers
BARTON BOWERS
Deputy Attorney General

Attorney for Respondent

IT IS SO ORDERED.

Dated: March 6, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE