

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

DAVID TERRY,

Petitioner,

No. CIV S-06-0244 GEB KJM P

vs.

JAMES TILTON,

Respondent.

ORDER

\_\_\_\_\_  
Petitioner has filed a second motion for relief from the judgment entered September 28, 2007, arguing that he is entitled to equitable tolling under Townsend v. Knowles, 562 F.3d 1200 (9th Cir.), cert. denied, \_\_\_ U.S. \_\_\_, 130 S.Ct. 193 (2009) and Harris v. Carter, 515 F.3d 1051 (9th Cir.), cert. denied sub nom. Brunson v. Harris, \_\_\_ U.S. \_\_\_, 129 S.Ct. 397 (2008).

IT HEREBY ORDERED that respondent file an opposition or statement of non-opposition to this motion within thirty days of the date of this order. Petitioner’s reply, if any, is due within fourteen days of the filing of the opposition.

DATED: June 22, 2010.

  
\_\_\_\_\_  
U.S. MAGISTRATE JUDGE

2/terr0244.ord