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

10 KENNETH LEE MARTINEZ,

11 Petitioner, Case No. 2:06-cv-00831 ALA (HC)

12 vs.

13 ROSEANNE CAMPBELL, Warden, ORDER

14 Respondent.

15 _____ /

16 On February 11, 2009, Petitioner Kenneth Lee Martinez (“Petitioner”) filed a motion for
17 reconsideration (Doc. No. 89). Petitioner’s motion asked the court to reconsider his January 30,
18 2009 motion to file a supplemental brief regarding the California Supreme Court’s December 10,
19 2008 order in Case Number S167946 (Doc. No. 87); this court denied this motion on February
20 3, 2009 (Doc. No. 88).

21 On December 12, 2008 this court ordered: “Petitioner and Respondent have up to and
22 until December 30, 2008 to file a supplemental response addressing the effect of the California
23 Supreme Court’s December 10, 2008 order in Case Number S167946, if any. This supplemental
24 response shall not exceed seven (7) pages.” (Doc. No. 82.)

25 Petitioner failed to file any supplemental briefing. Instead, Petitioner filed a motion for
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1 extension of time to file a “Traverse and Reply” (Doc. No. 83).¹

2 Accordingly, Petitioner failed to file the supplemental brief in the time permitted by
3 order of this court. Further, as the court explained in its previous order, it will fully consider
4 what, if any, effect the California Supreme Court’s December 10, 2008 order has on this matter.

5 Petitioner’s motion for reconsideration (Doc. No. 89) is DENIED.

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7 DATED: February 17, 2009

8 /s/ Arthur L. Alarcón
9 UNITED STATES CIRCUIT JUDGE
Sitting by Designation

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25 ¹ On December 30, 2008, this court granted Petitioner an extension of time to file
his traverse—from December 12, 2008 until January 30, 2009. (Doc. No. 84.) On January 29,
2009, Petitioner filed a 158-page Traverse and 90-page “Petition for Writ of Mandate” (Doc. No.
86).