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

9 WILLIAM MAY ATHERTON,

10 Petitioner,

No. CIV S-08-0555 GEB EFB P

11 vs.

12 MIKE KNOWLES,

13 Respondent.

ORDER

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15 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28  
16 U.S.C. § 2254. On July 15, 2009, respondent filed an answer to the petition. Dckt. No. 22.  
17 Despite three extensions of time, petitioner did not file a reply. *See* Dckt. Nos. 28, 34, 37. The  
18 matter is therefore submitted for decision. On July 20, 2010, petitioner filed a motion requesting  
19 that he be permitted to appear “by telephone or other electronic means from his place of  
20 confinement for a case hearing, conference, and/or oral deposition . . . .” Dckt. No. 41. As there  
21 are currently no court appearance dates set in this action, petitioner’s motion is denied as  
22 premature and unnecessary.

23 Accordingly, IT IS HEREBY ORDERED that petitioner’s July 20, 2010 motion to  
24 appear by telephone or other electronic means is denied without prejudice.

25 Dated: February 7, 2011.

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EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE