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

STEVEN ANTHONY CLEMENS,

Petitioner,

No. 2:08-cv-2588 KJN P

vs.

JIM MACDONALD, Warden,
La Palma Correctional Center,
MATTHEW CATE, Secretary,
California Director of Corrections,¹

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding without counsel in this habeas corpus action filed pursuant to 28 U.S.C. § 2254, timely requests an extension of time within which to file his reply to defendants’ opposition to plaintiff’s motion for leave to file an amended petition for writ of habeas corpus. Petitioner states that he was recently moved from California State Prison-Solano to La Palma Correctional Center (“LPCC”) in Eloy, Arizona, and has not yet received his legal materials. Petitioner has been unable to work on this case since approximately December 27, 2010. In addition, petitioner seeks an order of this court directing LPCC staff to accord

¹ A federal petition for writ of habeas corpus must name as respondent the state officer having custody of the petitioner. See 28 U.S.C. § 2254; Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts; Smith v. Idaho, 392 F.3d 350, 354-55 (9th Cir. 2004); Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

1 petitioner at least four hours a day in the law library, and seeks a copy of the documents lodged
2 by the respondent.

3 The court acknowledges that petitioner's motion for leave to amend his petition
4 for writ of habeas corpus presents potentially complex procedural and legal issues, demonstrated
5 in part by respondent's need to obtain two extensions of time in order to obtain all necessary
6 filings and to prepare and file his opposition. In addition, the court notes that the documents
7 lodged by respondent in support of his opposition are essential to petitioner in preparing his
8 reply.

9 Accordingly, for good cause shown, IT IS HEREBY ORDERED that:

10 1. Petitioner's motion for an extension of time (Dkt. No. 41) within which to file
11 his reply is granted; petitioner shall file his reply on or before February 25, 2011; however, no
12 further extensions will be granted absent a showing of extraordinary cause;²

13 2. Petitioner's reply brief shall not exceed fifteen (15) pages in length;³

14 3. Within seven (7) days after the filing date of this order, respondent shall verify
15 petitioner's receipt of the documents respondent lodged with this court on January 10, 2011
16 (noted at Dkt. No. 40); absent such verification, respondent shall, by the seventh day, send
17 petitioner copies of all such lodged documents;

18 4. The Clerk of Court is directed to send petitioner, with this order, a copy of
19 respondent's Opposition filed on January 20, 2011 (Dkt. No. 39);

20 5. The Clerk of Court is directed to change the name of the respondent in this
21 action as set forth above; and

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23 ////


24 ² This deadline accords petitioner twice the length of time he was previously accorded
25 (from 14 to 28 days), in recognition of the complexity of the matters at issue.

26 ³ This length limitation has been tripled from that provided in the court's prior order.

1 6. Staff at La Palma Correctional Center are requested to accord petitioner
2 reasonable access to the law library in light of the court's acknowledgment herein of the
3 complexity of the pending matter.

4 SO ORDERED.

5 DATED: January 27, 2011

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7 
8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

10 clem2588.eot.pr

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