

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

CHRISTOPHER JAMES XIMENEZ,

Petitioner,

vs.

DERRELL G. ADAMS, Warden,

Respondent.

Case No. 2:08-cv-03056-JKS

ORDER

At Docket No. 36, this Court directed the Petitioner, Christopher Ximenez, to submit documentation in support of his claim by May 6, 2011. At Docket No. 38, this Court granted Ximenez's first motion for an extension of time, giving him until June 14, 2011, to comply with this Court's order at Docket No. 36. Ximenez was unable to obtain the documentation by June 14, 2011. On July 1, 2011, (Docket No. 40) and again on July 14, 2011, (Docket No. 43) Ximenez has filed two motions for a second extension of time, asking that this Court give him until August 14, 2011, to file his documentation and brief. These motions are unopposed.

At Docket No. 41, Ximenez also filed a motion requesting this Court to order the submission of unredacted documents. Specifically, Ximenez is asking this Court to order the County of Sacramento to submit all unredacted sidebars, all unredacted material before, during, and after the plea colloquy, as well as all unredacted sentencing transcripts. The only issue in dispute is whether Ximenez was denied the right to counsel during his 1997 proceedings, which later became the basis for "prior strike enhancements" following his 2004 conviction. It is entirely unclear whether the County of Sacramento is purposely withholding these transcripts

from Ximenez. Rather, according to Ximenez he has requested the documents and is awaiting their arrival. An order from this Court would not likely expedite this process.

**IT IS HEREBY ORDERED THAT** Ximenez's motions for an extension at Docket Nos. 40 and 43 are **GRANTED**. No later than August 19, 2011, the Petitioner, Christopher Ximenez, shall submit documentation and a brief not to exceed 15 pages in support of his claim that he was denied counsel during the 1997 proceedings. This will be the last extension of time that this Court will grant.

**IT IS FURTHER ORDERED THAT** Ximenez's Motion for this Court to Order Submission of Unredacted Documents at Docket No. 41 is **DENIED**.

**IT IS FURTHER ORDERED THAT** no later than August 19, 2011, the Respondent will file a brief informing the Court of its preliminary position regarding whether Ximenez was represented by counsel during the 1997 proceedings. Additionally, Respondent shall inform this Court whether Ximenez would face any foreseeable problems in obtaining the records for his 1997 case. Once Ximenez files his documentation and brief by August 19, 2011, Respondent will be given an opportunity to respond, as well.

Dated: August 4, 2011

/s/ James K. Singleton, Jr.  
**JAMES K. SINGLETON, JR.**  
United States District Judge