

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. 44, this Court ordered the Respondent to file a brief informing this Court of its preliminary position regarding whether Ximenez was represented by counsel during the 1997 proceeding and whether Ximenez would face any foreseeable problems in obtaining the records for his 1997 case. At Docket No. 45 the Respondent filed a motion for a one-week extension of time to comply with the order, however before this Court had the opportunity to rule on the order, the Respondent filed the requested response. Therefore, the Respondent's motion at Docket No. 45 is **GRANTED**.

Ximenez has still not submitted documentation that he was denied counsel during the 1997 proceedings. This Court has granted Ximenez two extensions of time and informed him that he would receive no more extensions—in his motions for extensions of time, Ximenez set

his own deadlines, which this Court adopted. Ximenez has twice failed to meet these deadlines.

Accordingly, this matter is now ripe for decision, and this Court will now rule on the petition.

Dated: September 2, 2011.

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