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

SALVATORE CARMELO MAGGIO,

Petitioner,

2: 09 - cv - 1606 - LKK TJB

vs.

KATHLEEN DICKINSON,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding through counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In one of his claims Petitioner argues that he was unable to testify on his own behalf at trial due to his mental condition, thereby violating his Constitutional rights. Respondent answered the petition on January 21, 2010 and lodged several documents including the Clerk’s Transcript. The California Court of Appeal’s decision and the petition both cite to the reports of Dr. Warburton and Dr. Hoffman regarding Petitioner’s competency to stand trial. However, these two reports were omitted from Respondent’s lodged documents. (See Clerk’s Tr. at p. 57-74.)

Respondent was ordered to file these two reports. On June 7, 2011, Respondent requested an extension of time until June 28, 2011 to comply with the court ordered production of these documents. Based upon the representations made, and only for this request, it is

1 determined that good cause has been shown and the request will be granted.

2 Accordingly, IT IS HEREBY ORDERED that Respondent's request for an extension of
3 time until June 28, 2011 to file the reports of Dr. Warburton and Dr. Hoffman is GRANTED.

4 DATED: June 9, 2011



TIMOTHY J BOMMER
UNITED STATES MAGISTRATE JUDGE

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