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

TIMMY O’NEIL CHARITY,

Petitioner,

No. CIV S-09-1968 FCD GGH P

vs.

EDMUND BROWN, et al.,

Respondents.

ORDER

_____ /

On December 21, 2009, petitioner filed a motion requesting that his habeas corpus petition be granted. The grounds of this motion appear to be that respondent has not filed a timely answer.

On October 6, 2009, the court granted respondent sixty days to file a response to the petition. On December 1, 2009, respondent filed a request for extension of time until January 21, 2010, to file the answer. Respondent has not failed to file a timely answer. In any event, respondent’s failure to respond would not entitle petitioner to an order granting the petition.

Respondent’s December 1, 2009, request for extension of time has not yet been processed because respondent failed to submit by email a copy of the proposed order granting the request as required by Local Rule 137(b). Respondent’s motion is granted but no further extensions of time to file the response will be allowed.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motion to grant the petition (no. 22) is denied;
2. Respondent's motion for extension of time (no. 21) is granted; the response to the petition is due on or before January 21, 2010.

DATED: January 5, 2010

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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