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

JOHN ALAN PARVIN,

Petitioner,

No. 2:09-cv-2198-JFM (HC)

vs.

MATTHEW CATE,

Respondent.

ORDER

_____/

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter is proceeding before a United States Magistrate Judge with the consent of the parties pursuant to 28 U.S.C. § 636(c).

On November 23, 2009, respondent filed a motion for a thirty day extension of time to file and serve a reply brief in support of their motion to dismiss. On December 2, 2009, petitioner filed a motion to strike respondent's motion for extension of time as untimely. Petitioner's contention that the motion for extension of time is untimely is without merit. See Fed. R. Civ. P. 6.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Petitioner's December 2, 2009 motion to strike is denied;
2. Respondent's November 23, 2009 motion for an extension of time is granted;

and

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3. Respondent's reply brief shall be filed and served on or before December 24, 2009. No further extensions will be granted.

DATED: December 8, 2009.


UNITED STATES MAGISTRATE JUDGE

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