

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MARQUIS M. DAVIS,

Petitioner,

No. CIV S-09-3510 MCE EFB P

vs.

MAURICE JUNIOUS, et al.,

Respondents.

ORDER

_____/

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. On June 13, 2011, the court denied petitioner’s motion to stay the case while he exhausted his claims in state court, and ordered respondents to file a response to the petition.

Dckt. No. 25. Before respondents complied, on July 29, 2011, petitioner filed a request to supplement his petition with additional briefing. Dckt. No. 26. Petitioner does not seek to add additional claims to the petition, but merely re-argues some of the claims in his original petition.

On September 15, 2011, the court issued an order to show cause to respondents why they should not be sanctioned for their failure to comply with the June 13 order. Respondents filed a response to the order to show cause, together with an answer to the petition, explaining that the case had “fallen through the cracks” because the assigned attorney was on maternity leave at the time the order was issued and was reassigned to another team upon her return. Dckt. No. 28. It

1 appears that respondents' failure to timely comply with the court order was inadvertent.

2 Accordingly, it is ORDERED that:

3 1. Petitioner's request to supplement his petition is granted.

4 2. Respondents are granted 30 days from the date of this order to respond to the
5 supplemental petition, if necessary. If respondents do not file supplemental briefing during this
6 time, the action will stand submitted for decision.

7 3. The court's September 15, 2011 order to show cause is discharged.

8 Dated: February 1, 2012.

9
10 
11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26