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

RAYMOND CHRISTIAN FOSS,

Petitioner,

No. 2:09-cv-3551 JAM JFM (HC)

vs.

MIKE MARTELL, Warden,

Respondent.

ORDER

_____ /
Petitioner initiated this action on December 23, 2009 pursuant to 28 U.S.C. § 2254. On June 4, 2010, respondent filed an answer and, on June 14, 2010, filed an amended answer. Following multiple requests for extensions of time, petitioner’s traverse ultimately became due on October 26, 2011. On October 11, 2011, petitioner filed the instant motion to stay this case pending resolution of unrelated criminal charges in the state of Florida. See Doc. No. 61. Petitioner asserts that he will be unable to file his traverse due to his transfer to Florida to face criminal charges there. Respondent opposes this motion.

Upon review, the court construes petitioner’s motion to stay as a motion for extension of time for 180 days. This motion will be partially granted. Petitioner is notified that the court will begin consideration of this case on December 15, 2011. If he intends to file a

1 traverse, he shall do so on or before that date for consideration. Any traverse filed after that date
2 will not be considered by the court.

3 Accordingly, IT IS HEREBY ORDERED that petitioner's motion to stay, which
4 the court construes as a motion for extension of time, is partially granted. Petitioner shall file a
5 traverse, if any, on or before December 15, 2011.

6 DATED: November 10, 2011.

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9 UNITED STATES MAGISTRATE JUDGE

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