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7
 8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 DONALD JOSEPH BERRY,)	2:10-cv-0305 WBS JFM (HC)
)	
12 Petitioner,)	STIPULATION AND
)	ORDER TO CONTINUE DATE
13 v.)	FOR REPLY BRIEF
14 FRANCISCO JACQUEZ,)	
)	
15 Respondent.)	
16)	

17
 18 Petitioner, Donald Joseph Berry, through his undersigned counsel, and
 19 Respondent, through its undersigned counsel, hereby stipulate and request that the
 20 deadline for Petitioner’s Reply to Respondent’s answer be continued from January
 21 8, 2013 to February 8, 2013.

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 23 A continuance is necessary because Petitioner’s counsel needs to consult
 24 with petitioner, needs additional time to prepare the reply, and has briefs due in the
 25 Ninth Circuit on December 31, 2012 in United States v. Ermoian, 11-10124, on
 26
 27
 28

1 January 14, 2013 in United States v. McElmurry, No. 12-50183, and on January
2 25, 2013 in United States v. Mujahid, Nos. 11-30276 & 12-30070.

3
4 Accordingly, the parties request that the Court extend the due date for
5 petitioner's Reply Brief from January 8, 2013 to February 8, 2013.

6
7 Dated: January 2, 2013

KAMALA D. HARRIS
Attorney General

8
9 By: /s/ Robert Todd Marshall
10 Robert Todd Marshall
11 Deputy Attorney General
12 [signed with permission]

13 Dated: January 2, 2013

14 By: /s/ John Balazs for
15 JOHN BALAZS
16 Attorney for Petitioner
17 Donald Joseph BERRY

18 **ORDER**

19 IT IS SO ORDERED.

20 **Date: 1/3/2013**

21
22
23 
24 _____
25 UNITED STATES MAGISTRATE JUDGE
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