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 8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

11 AARON AUGUSTINE HEREDIA,

12 Petitioner,

13 v.

15 MICHAEL MARTEL, Warden,

16 Respondent.

Case No. 10-CV-0693-GEB-CMK

**APPLICATION AND STIPULATION TO  
 ENLARGE TIME FOR PETITIONER TO  
 FILE TRAVERSE; ORDER**

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 19 The current deadline for filing the traverse is December 19, 2011. As explained in the prior  
 20 Application and Stipulation to Enlarge Time for Petitioner to File Traverse, because I did not prepare  
 21 the petition (it was filed *pro se*), it was necessary that I review voluminous records before I would be  
 22 in a position to assess whether a traverse could be filed, and whether any additional action needed to  
 23 be taken, such as a motion to amend the petition. Since I was retained in this case in early July,  
 24 2011, my associate, Erin J. Radekin, and I have reviewed the record on direct appeal, which  
 25 consisted of 796 pages; trial counsel’s file; the briefing and opinion on direct appeal; the petition for  
 26 review; and the petition and other pleadings in this case. Further, we have conducted research and  
 27 we have begun preparation of the traverse. We have been delayed in the process of preparing the  
 28 traverse, however, due to an injury suffered by Ms. Radekin; on November 29, 2011, she fractured a  
 bone in her foot, which required surgery, on December 9, 2011. For these reasons, we request an

1 additional 30 days to complete and file the traverse in this matter.

2 On December 13, 2011, Ms. Radekin communicated with Jill Thayer, attorney representing  
3 respondent in this case, by telephone. Ms. Thayer stated that she has no opposition to the request for  
4 an enlargement of time by 30 days.

5 Accordingly, application is being made to the Court pursuant to agreement among the parties  
6 that the deadline for petitioner to file the traverse be enlarged to January 18, 2012.

7 Dated: December 13, 2011

Respectfully submitted,

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IT IS SO ORDERED.

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DATED: December 16, 2011

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/s/ John R. Duree, Jr.  
JOHN R. DUREE, JR.  
Attorney for Petitioner  
AARON AUGUSTINE HEREDIA

  
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CRAIG M. KELLISON  
UNITED STATES MAGISTRATE JUDGE