

1 **JOHN R. DUREE, JR., INC.**  
**A Professional Law Corporation**  
 2 Attorney at Law – SBN 65684  
 ERIN J. RADEKIN  
 3 Attorney at Law - SBN 214964  
 428 J Street, Suite 352  
 4 Sacramento, California 95814  
 Telephone: (916) 441-0562  
 5 Facsimile: (916) 447-2988

6 Attorneys for Petitioner  
 AARON AUGUSTINE HEREDIA

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

10

11 AARON AUGUSTINE HEREDIA,  
 12 Petitioner,  
 13 v.  
 14 MICHAEL MARTEL, Warden,  
 15 Respondent.  
 16  
 17

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

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

18

19 By order dated March 12, 2012, the Court has ordered filing of a traverse or reply to  
 20 respondent’s Response to Amended Petition for Writ of Habeas Corpus (filed April 5, 2012) by 30  
 21 days after the filing of said response, or May 5, 2012. Counsel for petitioner respectfully request an  
 22 additional 60 days enlargement of time, for the reasons set forth herein. Within the last 30 days, Mr.  
 23 Duree and his associate Ms. Radekin, who has assisted with the briefing, have been preparing  
 24 supplemental briefing for a state petition for writ of habeas corpus matter in the case *In re Narinder*  
 25 *Singh Khatkhar*, Sutter County case number CRHC 09-0040502-002. It is important that such  
 26 briefing be filed as soon as reasonably possible, as Mr. Khatkhar is currently in immigration custody  
 27 facing imminent deportation as the result of a Sutter County conviction. Further, Ms. Radekin is  
 28 currently involved in a demanding dependency case out of Butte County, *In re Yhip*, petition nos. J-  
 36319 and J-36320. As it is early in this dependency proceeding and the dependency time lines are

1 brief, the case is moving very quickly, and involves approximately 1,000 pages of medical records.  
2 It is set for jurisdictional hearing on May 10, 2012 and trial will follow within 30 days thereafter.  
3 Ms. Radekin is also appointed counsel for Rafael Velasco in the case *United States v. Rafael*  
4 *Velasco, et al.*, case 1:11-cr-00186, which involves approximately 3,000 pages of discovery and  
5 numerous phone communications intercepted pursuant to wire tap orders, as well as several other  
6 federal felony cases currently pending in pretrial proceedings.

7 Mr. Duree presently has four federal mortgage fraud cases pending (two are related) in this  
8 Court involving voluminous discovery, *United States v. Vitaliy Andreyev*, case nos. 2:12-cr-00069-  
9 JAM, *United States v. Valeri Mysin*, case no. 2:11-cr-00427-LKK and 2:12-cr-00051-MCE and  
10 *United States v. Khadzhimurad Babatov*, case no. 2:11-cr-00514-GEB. Mr. Duree also has several  
11 other felony state cases pending in state court in pre-trial proceedings, involving approximately four  
12 appearances each week, some out-of-county.

13 On May 1, 2012, undersigned counsel communicated with Jill Thayer, attorney representing  
14 respondent in this case, by email. Ms. Thayer stated that she has no opposition to a 60-day  
15 enlargement of time.

16 Accordingly, application is being made to the Court that the deadline for petitioner to file the  
17 traverse be enlarged by 60 days.

18 Dated: May 3, 2012

Respectfully submitted,

19

20

21

22

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

23

IT IS SO ORDERED.

24

25

DATED: May 10, 2012

26

27

  
CRAIG M. KELLISON  
UNITED STATES MAGISTRATE JUDGE

28