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 9 **UNITED STATES DISTRICT COURT**  
 10 **EASTERN DISTRICT OF CALIFORNIA**  
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12 AARON AUGUSTINE HEREDIA,  
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 14 Petitioner,  
 15 v.  
 16 MICHAEL MARTEL, Warden,  
 17 Respondent.

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

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

20 By order dated May 11, 2012, this Court granted petitioner’s first request for an enlargement  
 21 of time by 60 days in which to file a traverse or reply to respondent’s response to the amended  
 22 petition, filed on April 5, 2012. Counsel for petitioner respectfully request an additional 60 days  
 23 enlargement of time, for the reasons set forth herein.

24 In late April, 2012, Mr. Duree and Ms. Radekin, counsel herein, were retained to represent a  
 25 defendant in both pre-charging criminal proceedings and dependency proceedings relating to a child  
 26 death in Butte County, *In re Yhip*, petition nos. J-36319 and J-36320. The case involves over 1,000  
 27 pages of medical records, reports, and other discovery, and multiple medical experts will be  
 28 testifying at the jurisdictional hearing, at which the cause of the child’s death is a major disputed  
 issue. While the jurisdiction hearing was originally set for June 26, 2012, a continuance was granted

1 in light of late discovery of the autopsy. In addition, other discovery has not yet been provided but is  
2 expected to be released on July 19, 2012. It is contemplated that this new batch of discovery,  
3 consisting of the police reports in the criminal matter, will be voluminous and that the jurisdictional  
4 hearing will be set about 30 days thereafter. Within the last 60 days Mr. Duree and Ms. Radekin  
5 have been devoting a large proportion of their time to preparing for this very important matter, which  
6 involves not only the liberty interests of the defendant but also his parental rights, as his surviving  
7 children were detained in the dependency proceeding.

8 In addition, Mr. Duree and Ms. Radekin were retained in a direct appeal of a federal habeas  
9 petition matter currently pending in the United States Court of Appeal, Ninth Circuit, *William Rennie*  
10 *III v. Michael Martel*, case no. 12-15156. Although this appeal has been pending since January,  
11 2012, petitioner only retained counsel in mid-June, 2012. The opening brief in that matter is due on  
12 August 20, 2012, and it is unlikely that the court will entertain any additional extensions of time.  
13 Mr. Duree and Ms. Radekin are also involved in preparing a reply in the state habeas matter *In re*  
14 *Khatoonian*, California Court of Appeal, Third District, case no. CRS-020823, which is due on July  
15 12, 2012.

16 Finally, both Mr. Duree and Ms. Radekin have multiple federal and state felony cases  
17 pending in pre-trial proceedings that involve voluminous discovery. Ms. Radekin is appointed  
18 counsel for Rafael Velasco in the case *United States v. Rafael Velasco, et al.*, case 1:11-cr-00186,  
19 currently pending in this Court (Fresno Division), which involves approximately 3,000 pages of  
20 discovery and numerous phone communications intercepted pursuant to wire tap orders. Additional  
21 discovery is expected to be released within the next 30 days. Ms. Radekin is also retained counsel of  
22 record in the case *United States v. Gary Jason Grant*, case no. 2:10-cr-00237-GEB, which involves  
23 over 20,000 pages of discovery.

24 Mr. Duree is involved in four federal mortgage fraud cases currently pending in this Court  
25 that involve voluminous discovery, *United States v. Vitaliy Andreyev*, case nos. 2:12-cr-00069-JAM,  
26 *United States v. Valeri Mysin*, case no. 2:11-cr-00427-LKK and 2:12-cr-00051-MCE and *United*  
27 *States v. Khadzhimurad Babatov*, case no. 2:11-cr-00514-GEB. Mr. Duree also has several other  
28 felony state cases pending in state court in pre-trial proceedings, involving approximately three

1 appearances each week, some out-of-county.

2 On July , 2012, undersigned counsel communicated with Jill Thayer, attorney representing  
3 respondent in this case, by email. Ms. Thayer stated that she has no opposition to a 60-day  
4 enlargement of time.

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

7 Dated: July 2, 2012

Respectfully submitted,

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

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IT IS SO ORDERED.

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DATED: July 10, 2012

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CRAIG M. KELLISON  
UNITED STATES MAGISTRATE JUDGE

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