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

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19 By order dated July 11, 2012, this Court granted petitioner’s second request for an
 20 enlargement of time by 60 days in which to file a traverse or reply to respondent’s response to the
 21 amended petition, filed on April 5, 2012. Counsel for petitioner respectfully requests an additional
 22 30 days enlargement of time, for the reasons set forth herein.

23 As noted in the last application for enlargement of time, Mr. Duree and Ms. Radekin are
 24 currently represent a client in dependency (*In re Mikaela and Jonathan Y.*, petition nos. J-36319 and
 25 J-36320) and criminal (*People v. James Peter Yhip*, case no. CM036919) cases pending in Butte
 26 County Superior Court relating to the death of a child. This case involves approximately 14,000
 27 pages of discovery so far, as well as complex medical and scientific issues, and the use of experts.
 28 Further, given the interests at stake – the parental interests of the client, the interests of his children,
 who are detained, as well as the client’s interests in his reputation and professional license – the case

1 is a high priority in our office at this time. The criminal matter is pre-preliminary examination and
2 the jurisdiction hearing has been vacated with a status conference date set in light of the additional
3 discovery.

4 In addition, Mr. Duree and Ms. Radekin are currently working on final rewriting and editing
5 on appellant's opening brief in the case *William Rennie III v. Michael Martel*, 9th Circuit case no.
6 12-15156, which is due on September 20, 2012. We have agreed to provide our client with a draft
7 in advance of the due date. Mr. Duree and Ms. Radekin are also involved in preparing a reply in the
8 state habeas matter *In re Khatoonian*, California Court of Appeal, Third District, case no. C069662,
9 which is due September 11, 2012. Finally, both Mr. Duree and Ms. Radekin have multiple
10 additional cases pending in both state and federal court that require regular court appearances both in
11 and out of county.

12 Nonetheless, Ms. Radekin has begun preparing the traverse in this matter. Additional work
13 and consultation with Mr. Duree remains to be done, however.

14 On September 6, 2012, Ms. Radekin communicated with Jill Thayer, attorney representing
15 respondent in this case, by email. Ms. Thayer responded by email, indicating that she has no
16 opposition to a 30-day enlargement of time.

17 Accordingly, application is being made to the Court that the deadline for petitioner to file the
18 traverse be enlarged by 30 days.

19 Dated: September 6, 2012

Respectfully submitted,

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

24 IT IS SO ORDERED.

25 DATED: September 10, 2012

26 
27 CRAIG M. KELLISON
28 UNITED STATES MAGISTRATE JUDGE