

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW A. CEJAS,
Petitioner, No. CIV S-10-0995 MCE EFB P
vs.
STATE OF CALIFORNIA,
Respondent. ORDER

_____/

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254.

Respondent has requested an extension of time to file a response to the petition. *See* Fed. R. Civ. P. 6(b). Good cause appearing, respondent’s September 13, 2010 request is granted and respondent has 30 days from the date this order is served to file and serve a response to the petition.

Petitioner requests leave to file an amended petition. Petitioner is free to amend his petition once as a matter of course, within 21 days after service of a responsive pleading. Fed. R. Civ. P. 15(a)(1)(B); Rule 12, Rules Governing § 2254 Proceedings. As respondent has not yet filed a responsive pleading, petitioner does not leave of court to amend. Petitioner’s motion to amend is therefore denied as unnecessary.

1 The court also notes that petitioner has requested that this action be stayed. The court
2 defers ruling on this motion pending a response from respondent.

3 So ordered.

4 Dated: September 15, 2010.



5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26