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

JAMES C. GAINES,

Petitioner,

No. 2:10-cv-1716 FCD KJN P

vs.

M.D. McDONALD, Warden.

Respondent.

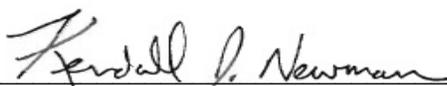
ORDER

_____/

Petitioner has filed an application for the court to accept the late filing of his traverse. By order filed February 2, 2011, plaintiff was granted a second extension of time of thirty days in which to file a traverse. Due to an escape and subsequent lock-down, petitioner was unable to gain access to the law library to make photocopies of the traverse until March 6, 2011. The traverse was presented to prison officials for mailing on March 6, 2011, and filed with the court on March 10, 2011. Good cause appearing, IT IS HEREBY ORDERED that:

1. Petitioner’s March 10, 2011 application (dkt. no. 30) is granted; and
2. Petitioner’s March 10, 2011 traverse is deemed timely filed.

DATED: March 14, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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