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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
9

10 ERNESTO ESPINOZA

11 Petitioner,

12 vs.
13

14 RICK HILL

15 Respondent.
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Case No.: CIV S-11-0461 GGH P

JOINT STIPULATION AND ORDER
RESETTING HEARING ON
RESPONDENT'S MOTION TO DISMISS

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18 Petitioner, Ernesto Espinoza, by and through his counsel, and California Deputy Attorney
19 General, Jennifer M. Poe, herby submit this stipulation and proposed order resetting the motion
20 to dismiss scheduled for October 6, 2011 to November 17, 2011.

21 Petitioner's counsel has been engaged in a jury trial in Sacramento County and requires
22 additional time to respond to the motion to dismiss to request a stay on the petition so all state
23 claims can be exhausted. Petitioner's counsel attempted contact with Ms. Poe on September 29th
24 and 30th to request a stipulation, but she was unavailable to respond until October 3, 2011.
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Respectfully Submitted,

/s/

Justin T. Mixon, Attorney for Petitioner

Dated: October 3, 2011

By: _____/s/_____
Justin Mixon, Attorney for Petitioner

Dated: October 3, 2011

By: _____/s/_____
Jennifer Poe, Deputy Attorney General

ORDER

For good cause shown above,

IT IS SO ORDERED

Dated: October 4, 2011

/s/ Gregory G. Hollows

The Honorable Gregory G. Hollows
United States Magistrate Judge

espi0461.stp