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

WAYDE HOLLIS HARRIS,

Petitioner,

No. 2:12-cv-1502 EFB P

vs.

DOMINGO URIBE, JR.,

Respondent.

ORDER

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Petitioner is a state prisoner with counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 7, 2012, the undersigned directed respondent to file a response to the petition within 60 days. Dckt. No. 5. On September 14, 2012, petitioner filed a motion to amend his petition and requested the court grant him 90 days to submit an amended petition. Dckt. No. 9. On January 21, 2012, Charles M. Bonneau filed a Notice of Appearance as counsel for petitioner. Dckt. No. 11.

An application for a writ of habeas corpus “may be amended or supplemented as provided in the rules of procedure applicable to civil actions.” 28 U.S.C. § 2242. Rule 15(a)(1) of the Federal Rules of Civil Procedure provides that “[a] party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after

1 service of a motion under Rule 12(b), (e), or (f), whichever is earlier.”

2 Here, respondent was ordered to file a response to the petition by October 9, 2012. *See*  
3 Fed. R. Civ. P. 6(a). Petitioner may therefore file an amended petition as a matter of course.  
4 However, given that petitioner’s recently obtained counsel is unlikely to be able to conduct a  
5 review of petitioner’s case and draft an amended petition within 21 days after the date the  
6 response is due, the court will vacate the current filing date for respondent’s response to the  
7 petition and provide petitioner the requested 90 days to file an amended petition.

8 Accordingly, it is hereby ORDERED that:

- 9 1. The deadline for filing a response to the petition for writ of habeas corpus is vacated;
- 10 2. Petitioner’s motion for leave to file an amended petition, Dckt. No. 9, is granted; and
- 11 3. Petitioner shall file an amended petition within 90 days of the date this order is issued.

12 DATED: October 3, 2012.

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14 EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
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