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

CERON HILL,

Petitioner,

No. 2:12-cv-2098 MCE DAD (PC)

vs.

MARTIN BITER, et al.,

Respondents.

ORDER

_____ /

On January 29, 2013, respondents filed a motion to dismiss this habeas action as barred by the applicable one year statute of limitations in 28 U.S.C. § 2244(d). Pursuant to stipulation of the parties, entered by counsel, and the order of this court (ECF No. 22), the motion to dismiss was set for hearing before the undersigned on April 19, 2013, at 10:00 a.m. Petitioner’s opposition to the pending motion to dismiss was due to be filed and served on April 5, 2013. However, the deadline for filing opposition to the motion passed with neither petitioner’s counsel nor petitioner himself responding to the motion in any way. For that reason, by order filed April 12, 2013 (ECF No. 23), petitioner, was ordered to show cause through his counsel of record why the hearing set for April 19, 2013 should not be dropped from the court’s calendar and respondents’ motion to dismiss granted as unopposed.

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1 On April 17, 2013, counsel for petitioner sent an email to the CM/ECF helpdesk
2 of this court, in which he represents that he has experienced a “devastating computer failure.”
3 After review of counsel’s email, and good cause appearing, the court will extend petitioner’s
4 time to oppose respondent’s motion. Hearing on respondent’s motion to dismiss will be reset to
5 Friday, June 7, 2013 at 10:00 a.m. before the undersigned. Counsel for petitioner will be directed
6 to inform the court in writing when and if his computer system is restored sufficiently so that he
7 can resume electronic filing. In the interim, the Clerk of the Court will be directed to permit
8 counsel for petitioner to file paper documents with the court.

9 In accordance with the above, IT IS HEREBY ORDERED that:

- 10 1. The order to show cause filed April 12, 2013 (ECF No. 23) is discharged;
- 11 2. Petitioner is granted an extension of time until May 24, 2013 in which to file
12 and serve an opposition to respondent’s January 29, 2013 motion to dismiss;
- 13 3. Respondent’s reply, if any, shall be filed and served not later than May 31,
14 2013;
- 15 4. Hearing on respondent’s motion to dismiss is continued to June 7, 2013 at
16 10:00 a.m. in Courtroom # 27; and
- 17 5. Counsel for petitioner shall inform the court in writing when and if his
18 computer system is restored sufficiently so that he can resume electronic filing. The Clerk of the
19 Court is directed to permit counsel for petitioner to file paper documents with the court until
20 further order of court.

21 DATED: April 17, 2013.

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25 DALE A. DROZD
26 UNITED STATES MAGISTRATE JUDGE

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