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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CERON HILL,
Petitioner,
v.
MARTIN D. BITER,
Respondent.

No. 2:12-CV-2098 MCE DAD P

ORDER

Petitioner is a state prisoner proceeding through counsel with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed an answer to the petition on February 13, 2014. Thereafter, despite receiving numerous extensions of time, petitioner’s counsel of record failed to file a traverse. Accordingly, by order dated March 17, 2015, petitioner’s motion for substitution of counsel was granted and Joseph J. Wiseman appeared as petitioner’s new retained counsel of record. In that same order, petitioner was directed to file a traverse within 60 days.

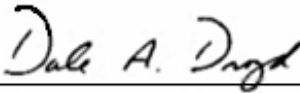
On May 14, 2015, petitioner filed a traverse. He also filed a separate request to expand the record to “at least” include a declaration from petitioner, which provides additional facts in support of his habeas claim that his trial counsel rendered ineffective assistance during the plea bargaining stage of these proceedings. Petitioner’s motion to expand the record was not set for hearing on this court’s calendar, as required by Local Rule 230(b). However, this court has

1 recently been advised through the courtroom deputy of the undersigned that the parties would like
2 the court to set a hearing on petitioner's motion.

3 Good cause appearing, respondent will be ordered to file a response to petitioner's motion
4 to expand the record within thirty days from the filed date of this order. After receiving the
5 opposition, this court will determine whether a hearing is required on the motion and will notify
6 the parties accordingly.

7 Accordingly, IT IS ORDERED that, within thirty days from the date of this order,
8 respondent shall file an opposition to petitioner's request to expand the record (ECF No. 55.)

9 Dated: May 26, 2015

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11 _____
12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

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