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

DEREK MARTINEZ,

Petitioner,

v.

DIRECTOR OF CDCR,

Respondent.

Case No. 2:12-cv-02273-WBS-DAD

ORDER

On February 3, 2014, counsel for respondent filed a motion for a one-day extension of time to file an answer in this habeas action. On February 4, 2014, the court granted counsel's request. On the same day, counsel filed respondent's answer together with a motion for relief from default. At the time counsel filed respondent's answer and motion for relief from default, the court's order granting the one-day extension of time had not yet been docketed. In light of the court's order granting the one-day extension of time, which was docketed February 5, 2014, the motion for relief from default is unnecessary. Accordingly, IT IS HEREBY ORDERED that respondent's motion for relief from default (Doc. No. 51) is denied as unnecessary.

Dated: February 6, 2014

DAD:9



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE