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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALPHONSO HAYDEN, JR.,  
Petitioner,  
v.  
BRIAN DUFFY, Warden,  
Respondent.

No. 2:14-cv-1004 WBS DB P

ORDER

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus under 28 U.S.C. § 2254. Pending before the court is respondent’s motion to dismiss the operative petition as barred by the applicable statute of limitations. (ECF No. 22.)

By order dated July 1, 2015, the court directed the parties to file supplemental briefs addressing whether equitable tolling of the statute of limitations is warranted in this case. (ECF No. 31.) On November 23, 2016, following the transfer of this case to the undersigned, the Federal Defender was appointed to represent petitioner for purposes opposing the motion to dismiss. (ECF No. 47.) Since then, two stipulations have been submitted for an extension of time to file a motion for an evidentiary hearing or a notice that such a hearing is not requested. (ECF Nos. 49 and 51.)

Based on the procedural history of this case and counsel’s declaration, and pursuant to the parties’ stipulation, IT IS HEREBY ORDERED that:

1. The deadline for the petitioner to file a motion for evidentiary hearing (or any notice

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- informing this court that such a hearing is not requested) is April 21, 2017;
2. Respondent's reply brief shall be filed no later than May 5, 2017;
  3. Petitioner's reply brief, if any, shall be filed no later than May 12, 2017; and
  4. The Clerk of the Court is directed to term respondent's motion to dismiss (ECF No. 22) pending submission of the supplemental briefing ordered herein.

Dated: March 2, 2017



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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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