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

JERRY LEE KING,

Petitioner,

v.

ORDER

DAVE DAVEY,

Respondent.

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. His petition was dismissed with leave to amend, ECF No. 36, and he subsequently filed an amended petition. ECF No. 38. That amended petition was dismissed on August 30, 2017, but he was granted leave to amend to allow him to file a fully exhausted petition and then seek a stay under *Kelly v. Small*, 315 F.3d 1063 (9th Cir. 2002). ECF No. 52. Petitioner then filed a superfluous motion to amend, ECF No. 66, stating that it is his intention to file an amended petition but that he has recently been transferred to a different prison and is currently unable to access his property. *Id.* He is unsure when his property will be returned. *Id.* at 1.

The court construes petitioner's motion as a request for an extension of time to file his amended petition and that request (ECF No. 66) is GRANTED. His substantively identical motion to amend (ECF No. 68) is DENIED as MOOT. Petitioner has already been granted leave to amend. He should file his amended petition within sixty days from the date this order is filed.

In light of the allegations concerning his present circumstances, however, he may motion for a reasonable extension of time if he finds it necessary to do so. So Ordered. DATED: November 26, 2018. EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE