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 United States of America
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8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

11 SILVER JOSE GALINDO,
 12 Petitioner,
 13 v.
 14 J. SALAZAR, Warden,
 15 Respondent.

CASE NO. 2:17-CV-00302-EFB (HC)
 MOTION FOR EXTENSION OF TIME TO FILE
 RESPONDENT’S RESPONSE

17 Respondent, J. Salazar, Warden, by and through Philip A. Talbert, United States Attorney, and
 18 Megan A. S. Richards, Assistant United States Attorney, hereby moves the Court to grant the respondent
 19 sixty (60) days additional time to respond to Petitioner Silver Jose Galindo’s Section 2241 petition filed
 20 on February 13, 2017. The current due date for the respondent’s response is April 22, 2017. The
 21 government asks that the new response date be June 21, 2017.

22 RELEVANT FACTS

23 Petitioner Galindo is currently detained at the Federal Correctional Institution in Herlong,
 24 California. Petitioner (Doc. 1) at 2. After conviction for several counts of felon in possession of a
 25 firearm, possession of methamphetamine with intent to distribute, and possession of a firearm during a
 26 drug trafficking crime, Galindo was sentenced by the United States District Court for the District of
 27 Hawaii with 470 months of imprisonment. Petition at 2. The court imposed sentence on October 6,
 28 2008. Petition at 2.

1 In his Section 2241 petition, Galindo alleges that the Bureau of Prisons (BOP) failed to grant him
2 credit for time served in custody at the Federal Detention Center in Honolulu, Hawaii. Petition at 3. As
3 currently calculated, the petitioner's release date is December 22, 2038.¹ This release date is the result
4 of his federal sentence's interaction with three separate Hawaii state sentences.

5 To respond to the Petitioner's claim, the government believes it is necessary for it to have access
6 to the defendant's prior criminal history, including records related to his terms of incarceration with the
7 State of Hawaii. Timothy Rodrigues, Senior Attorney for BOP in Honolulu, Hawaii, is assisting with
8 the response to the petition. He has informed me that information regarding Petitioner's state cases was
9 consolidated in Petitioner's Presentence Investigation Report by the U.S. Probation Office, and used by
10 the BOP for purposes of sentence calculation at the onset of Petitioner's federal sentence. In order to
11 ensure the accuracy of the sentence and faithfully respond to the Petition, the BOP's Designation and
12 Sentence Computation Center has requested original source documents from the Hawaii state
13 Department of Public Safety regarding Petitioner's separate Hawaii state sentences. BOP originally
14 requested these documents on February 16, 2017. Mr. Rodrigues has renewed BOP's request, and
15 emphasized that these records are urgently needed and critical to the government's response in this
16 matter. The documents have not yet been received.

17 Because the documents are necessary for the government to respond to the petition, it hereby
18 moves the court for an additional sixty (60) days to file its response.

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21 Dated: April 18, 2017

PHILLIP A. TALBERT
United States Attorney

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23 By: /s/ MEGAN A. S. RICHARDS
24 MEGAN A. S. RICHARDS
Assistant United States Attorney

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¹ Publicly accessible at www.bop.gov/inmateloc/

1 **[PROPOSED] FINDINGS AND ORDER**

2 Respondent J. Salazar, Warden, by and through the United States's motion for an Extension of
3 time to file his response to the defendant's Motion is **GRANTED**. The new deadline for Respondent to
4 file and serve its response is June 21, 2017. The Clerk is directed to terminate ECF No. 9.

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6 IT IS SO FOUND AND ORDERED this 19th day of April, 2017.

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9 EDMUND F. BRENNAN
10 UNITED STATES MAGISTRATE JUDGE
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