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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JERRY C. JOHNSON,

12 Petitioner,

13 v.

14 SCOTT KERNAN, et al.,

15 Respondent.
16

No. 2:17-cv-2525 JAM AC P

ORDER

17 Petitioner has filed a motion in which he requests that the court “direct respondents to
18 adhere to time limitations.” ECF No. 32. In this motion, petitioner asserts that he has had
19 difficulty obtaining his indigent legal supplies and accessing the law library, and that these
20 problems have interfered with his ability to timely reply in support of his motion for a stay. Id. at
21 1-2. However, petitioner’s reply was filed on July 18, 2018 (ECF No. 30), while the instant
22 motion was filed on August 6, 2018 (ECF No. 32).¹ So at the time petitioner filed his motion, the
23 reply had been submitted for over two weeks. Since petitioner’s reply has already been filed, it is
24 unclear what relief he is seeking, but in light of petitioner’s allegations, the court will construe the
25 motion as a request to file a supplemental reply in support of the motion to stay on the ground that
26 petitioner was not able to properly address the necessary issues given the delays he faced. The

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28 ¹ Since petitioner is a prisoner proceeding pro se, he is afforded the benefit of the prison mailbox rule. Houston v. Lack, 487 U.S. 266, 276 (1988).

1 motion will be granted and petitioner will have the option of filing a supplemental reply. If
2 petitioner chooses to file a supplemental reply and finds that he requires additional time, he
3 should file a motion for an extension of time that explains why he needs additional time and how
4 much time he requires.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Petitioner's motion for a court order (ECF No. 32) is construed as a motion for leave
7 to file a supplemental reply in support of his motion to stay.

8 2. Petitioner's motion for leave to file a supplemental reply is granted and petitioner shall
9 have twenty-one days from service of this order to file a supplemental reply.

10 DATED: August 20, 2018

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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