UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA SHANON SHORTER, No. 2:18-cv-0537 KJM AC P Petitioner. **ORDER** v. WARREN L. MONTGOMERY, Respondent.

Petitioner, a state prisoner proceeding through counsel, seeks clarification of the deadline for filing a traverse and either a prospective or retroactive extension of the deadline. ECF No. 14. On April 5, 2018, the undersigned ordered respondent to respond to the petition and directed that "[a]n answer shall be accompanied by all transcripts and other documents relevant to the issues presented in the petition." ECF No. 5 at 1 (citing Rule 5, 28 U.S.C. foll. § 2254). In this case, respondent did not lodge the state court documents until over a month after the answer had been filed. ECF Nos. 12, 13. "Accompanied by" is generally understood to mean "'at the same time as," and respondent's failure to properly follow the court's order has created understandable confusion as to petitioner's deadline to file a traverse. In light of the directive that an answer was to be accompanied by the state court records, the court finds that the answer was not properly filed until the state court records were lodged and petitioner's deadline to file a traverse runs from

that date. Good cause appearing, petitioner's request to briefly extend that deadline will be granted. Accordingly, IT IS HEREBY ORDERED that petitioner's request for an extension of time (ECF No. 14) is granted. Petitioner shall have until September 13, 2018, to file a traverse. DATED: August 20, 2018 UNITED STATES MAGISTRATE JUDGE