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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENNY MICKLE,  
Petitioner,  
v.  
ROBERT L. AYERS, Warden,  
Respondent.

NO. C 92-2951 TEH  
ORDER DIRECTING PETITIONER TO  
REFILE MOTION FOR EVIDENTIARY  
HEARING

The Court is in receipt of petitioner’s 189-page motion for evidentiary hearing, which was filed without an accompanying request to file an oversize brief. Owing to the excessive length of the motion, the Court directs petitioner to refile a motion that does not exceed 65 pages within 60 days of the date of this Order. Because of this change, the hearing scheduled for April 28, 2008 is **VACATED**. The Court will reschedule a hearing on the motion only if deemed necessary.

Respondent shall file an opposition within 90 days of the filing of the motion for evidentiary hearing. Within 30 days of the filing of the opposition, petitioner shall file a reply. Neither the opposition nor the reply shall exceed 65 pages.

**IT IS SO ORDERED.**

DATED 02/01/08



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THELTON E. HENDERON  
UNITED STATES DISTRICT JUDGE