

United States District Court
For the Northern District of California

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

RALPH INTERNATIONAL THOMAS,

No. C 93-0616 MHP

Petitioner,

**ORDER ENLARGING TIME FOR
FILING TRAVERSE AND OPPOSITION
TO MOTION FOR PARTIAL
JUDGMENT ON THE PLEADINGS
REGARDING PROCEDURAL DEFAULT
DEFENSE**

v.

ROBERT L. AYERS, Acting Warden of
California State Prison at San Quentin

Respondent.

Good cause appearing, it is hereby ordered that the time for filing petitioner's Traverse and respondent's opposition to petitioner's Motion For Partial Judgment On The Pleadings Regarding Procedural Default Defense is extended to January 8, 2009. If petitioner elects to file a reply to the opposition to his Motion For Partial Judgment, he shall do so by January 22, 2009. The hearing currently set for January 12, 2009, at 2:00 p.m. is vacated. The Court shall reschedule a hearing if necessary.

Additionally, the Court directs the parties to submit a copy of the transcript of the deposition of James Burney Royster. This transcript was an exhibit at the evidentiary hearing in state court, where it was used in lieu of Royster's live testimony. It does not however, appear to be part of the record filed in this Court.

IT IS SO ORDERED.

DATED: 12/18/2008



Marilyn Hall Patel
United States District Judge