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5 Attorney for Petitioner  
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 7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 VALERIE CAMPBELL,	)	No. CV-06-2225 CRB
	)	
12                   Petitioner-Appellant,	)	<b>RESPONSE TO ORDER TO SHOW</b>
	)	<b>CAUSE AND REQUEST FOR</b>
13 v.	)	<b>SECOND EXTENSION OF TIME</b>
	)	
14 GLORIA HENRY,	)	<b>ORDER</b>
	)	
15                   Respondent-Appellee.	)	
16	)	

17 I, ERIK G. BABCOCK, declare as follows:

18 1. Ms. Campbell filed a pro se federal habeas petition in  
 19 2006, which the court ultimately dismissed based on on  
 20 respondent's claim in was untimely. I was subsequently  
 21 appointed to represent her in the Ninth Circuit. The  
 22 Ninth Circuit found her petition was timely and remanded  
 23 to this court. The court reinstated the Order the Show  
 24 Cause. On March 24, 2011 respondent filed a response to  
 25 the Order to Show Cause.

26  
 27 2. On May 11, 2011 I requested 60 days in which to research  
 28

1 and file a traverse, which the court granted, giving me  
2 until July 6, 2011. I did not file a traverse by July 6,  
3 2011, and on July 7, 2011, the court issued an order to  
4 show cause why this case should not be dismissed for  
5 failure to prosecute.

6 3. I respectfully request that the court not dismiss this  
7 case for failure to prosecute. First, I apologize for  
8 not having anything filed by July 6, 2011. Although I  
9 was not prepared to file a traverse on July 6, 2011, I  
10 should have notified the court and requested an extension  
11 of time by that date. I planned to file such a request  
12 but simply neglected to do so in a timely fashion and the  
13 court issued an order to show cause the next day.

14 4. I request an extension of time to file a traverse. I  
15 have been working on the traverse, but I have not been  
16 able to complete and file a traverse yet for a variety of  
17 reasons. I have very lengthy records to review (the  
18 record in one case alone is approximately 65 volumes in  
19 case) and opening briefs due this summer in both Roger-  
20 Lee-De-Luis-Conte v. Evans, Ninth Circuit No. 09-17048  
21 and Clarke v Evans, Ninth Circuit No. 11-15232. I spent  
22 the better part of May getting prepared for trial in  
23 United States v. Bates, No. CR 10-845 LHK on May 31, 2011  
24 in which my client was facing a potential life sentence  
25 for many yeas of alleged child molestation. I was then  
26 in trial in state court Eureka, California in People v.  
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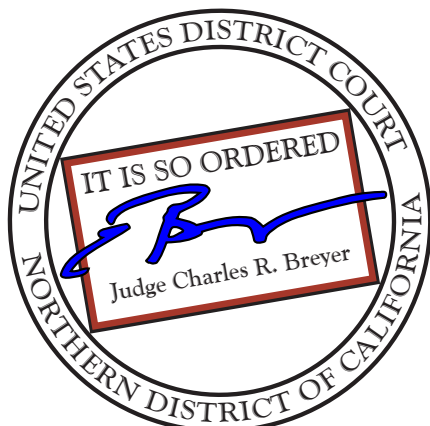
DeBerardinis the last part of June. Finally, my secretary of many years gave me notice quit effective June 30, 2011. Her notice and departure has made it very hard for me to keep up with all of my obligations. She was not just my secretary, but also my receptionist, bookkeeper, billing assistant, and paralegal. I am looking for but have not yet found a new secretary, and I am accordingly, having to deal with a variety of tasks that I normally do not.

5. Ms. Campbell is serving a life sentence and deserves a thorough review of the record in her case. Respondent will not be prejudiced by an extension of time in this case.

6. I therefore request (1) that the court not dismiss petitioner's claims because of my busy schedule and oversight, and (2) an extension of time to and including September 6, 2011.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 14<sup>th</sup> day of July, 2011 at Oakland, California.

/S Erik Babcock  
ERIK G. BABCOCK  
Counsel for Petitioner



July 18, 2011