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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 JULIUS LEE TURNER,

No. C 06-6239 JSW (PR)

9 Petitioner,

**ORDER REOPENING CLOSED
CASE, GRANTING MOTION FOR
AN EXTENSION OF TIME TO FILE
AMENDED COMPLAINT, AND
INSTRUCTIONS TO THE CLERK**

10 v.

11 PEOPLE OF THE STATE OF
12 CALIFORNIA,

(Docket No. 5)

13 Respondent.
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16 Petitioner, a prisoner of the State of California, has filed a pro se petition for a writ
17 of habeas corpus. On February 20, 2007, the Court dismissed the petition due to certain
18 deficiencies, but granted Petitioner thirty days in which to file an amended petition. After
19 Petitioner failed to respond within a period in excess of thirty days, the Court dismissed
20 the petition for failure to prosecute (docket no. 4).

21 On April 9, 2007, Petitioner filed a motion seeking an extension of time to file an
22 amended petition, which was signed by Petitioner on April 3, 2007 (docket no. 5).
23 Although Petitioner does not document when he received the Court's order, he does state
24 that he received the Court's order "late" and could not promptly respond, due to his
25 inability to access the law library. According to a document attached to Petitioner's
26 request, he had attempted to access the law library on March 26, 2007.

27 Under Rule 6(b)(2) of the Federal Rules of Civil Procedure, the Court may extend
28 a party's time to respond upon a request made after the expiration of the time to respond
"where the failure to act was the result of excusable neglect[.]" For good cause shown,

1 Petitioner's motion is GRANTED (docket no. 5). Petitioner is provided with leave to file
2 an amended petition within *thirty days* of the date of this order. The amended petition
3 must contain the caption and civil case number used in this order, Case No. C-06-6239
4 JSW (PR) and the words AMENDED PETITION on the first page. Failure to file an
5 amended petition by the deadline will result in dismissal of this action for failure to
6 prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See Martinez v. Johnson*,
7 104 F.3d 769, 772 (5th Cir. 1997) (Rule 41(b) applicable in habeas cases). The Clerk is
8 directed to reopen this closed case and send Petitioner a copy of this Court's prisoner
9 habeas corpus petition form.

10 IT IS SO ORDERED.

11 DATED: April 25, 2007

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14 JEFFREY S. WHITE
15 United States District Judge
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