

1 SUZANNE A. LUBAN  
 Attorney at Law  
 2 State Bar No.: 120629  
 3 3758 Grand Ave. #4  
 Oakland, California 94610  
 Telephone 510/832-3555  
 4  
 Attorney for Petitioner  
 5 TARAY T. MORRIS

6  
 7 UNITED STATES DISTRICT COURT  
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 9

10	TARAY T. MORRIS	)	Case No.: C 06-7409
11		)	
12	Petitioner,	)	STIPULATION AMENDING
13	vs.	)	BRIEFING SCHEDULE FOR
14	TONY MALFI, Warden, et al.	)	MOTION TO DISMISS
15	Respondent.	)	AND PROPOSED ORDER
16	_____	)	Judge: Hon. Susan Illston

17 On December 4, 2006, Petitioner filed his initial pro per §2254 petition. On  
 18 October 29, 2008, with leave of this Court, Petitioner’s appointed counsel filed an  
 19 amended petition. On December 26, 2007, Respondent filed a timely Motion to  
 20 Dismiss the First Amended §2254 Petition. The Court issued an order on January 8,  
 21 2008, setting a briefing schedule for the motion to dismiss, with petitioner’s opposing  
 22 brief due February 9, 2008, and respondent’s reply brief due February 22, 2008.

23 Counsel for petitioner has substantially completed petitioner’s brief.  
 24 However, counsel is currently awaiting records from hospitals that have treated Mr.  
 25 Morris. It is not yet known whether the records of his treatment still exist at each of  
 26 these hospitals, but the private investigator working with petitioner’s counsel was

1 somewhat delayed in locating the hospitals and requesting records from them.  
2 Therefore, additional time is needed for petitioner to give the hospitals a reasonable  
3 time to respond, so any relevant medical records can be submitted along with the  
4 brief. Petitioner remains incarcerated, serving the sentence imposed in the case under  
5 collateral attack herein, as well as previously imposed sentence.

6 Counsel for respondent is agreeable to an order extending petitioner's time to  
7 file his opposing brief by thirty days, and also seeks thirty days thereafter to file  
8 respondent's reply brief. Therefore, the parties hereby stipulate that this Court shall  
9 enter an order extending the time for petitioner to file his brief to March 10, 2008,  
10 and for respondent to file a reply brief to April 9, 2008. As provided in the Court's  
11 January 8, 2008 order, the motion shall be submitted for decision by this Court  
12 without a hearing unless the Court directs the parties otherwise.

13 IT IS SO STIPULATED:  
14

15 DATED: February 5, 2008

/S/ Suzanne A. Luban  
SUZANNE A. LUBAN,  
Counsel for Petitioner Morris

18 DATED: February 5, 2008

/S/ Michael O'Reilley<sup>1</sup>  
MICHAEL O'REILLEY  
Deputy Attorney General  
Counsel for Respondent

21  
22  
23  
24 \_\_\_\_\_  
25 I hereby attest that I have on file all holograph signatures for any signatures  
indicated by a "conformed" signature (/S/) within this efiled document.

/S/ Suzanne A. Luban  
SUZANNE A. LUBAN  
Counsel for Taray Morris

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDER

IT IS HEREBY ORDERED that the time for petitioner to respond to the Motion to Dismiss is extended to March 10, 2008. Respondent shall file an optional reply brief by April 9, 2008. As provided in the Court's January 8, 2008 order, the motion shall be submitted for decision by this Court without a hearing unless the Court directs the parties otherwise.

Dated: \_\_\_\_\_, 2008



HON. SUSAN ILLSTON  
U.S. District Judge