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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-01-0344 EMC-20

Plaintiff,

[No. C-07-1844 EMC]

v.

KIM ELLIS,

**ORDER SETTING BRIEFING
SCHEDULE ON DEFENDANT'S
MOTION TO REOPEN UNDER
SECTION 2255**

Defendant.

(Docket No. 2019)

Kim Ellis has filed a motion, asking the Court to reopen his federal habeas case. The Court hereby orders the following briefing schedule on Mr. Ellis's motion.

- (1) The United States shall have until November 7, 2011, to file an opposition to the motion.
- (2) Mr. Ellis shall have until December 7, 2011, to file a reply to the opposition.

Because Mr. Ellis is asking to reopen his federal habeas case, the Clerk of the Court shall file a copy of his motion in that case, No. C-07-1844 EMC.¹ In addition, the Court instructs the parties

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¹ Currently, the case is captioned No. C-07-1844 MHP (and not EMC). However, because Mr. Ellis's criminal case has been referred to the undersigned, Mr. Ellis's related federal habeas case shall be "renumbered" so that the undersigned's initials are used instead of Judge Patel's.

1 to use No. C-07-1844 EMC in the caption of their briefs rather than the criminal case number (*i.e.*,
2 No. CR01-0344 EMC-20).

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4 IT IS SO ORDERED.

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6 Dated: October 7, 2011



EDWARD M. CHEN
United States District Judge

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 KIM ELLIS,

5 Plaintiff,

6 v.

7 USA et al,

8 Defendant.

Case Number: CV07-01844 MHP

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on October 7, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Kim Ellis 95279-011
16 Federal Correctional Institution
17 P.O. Box 800
18 Herlong, CA 96113

19 Dated: October 7, 2011



Richard W. Wieking, Clerk
By: Betty Lee, Deputy Clerk