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

KENNETH LEE TAYLOR,)	No. C 07-4147 MMC (PR)
Petitioner,)	ORDER DENYING MOTION FOR EVIDENTIARY HEARING; GRANTING MOTION FOR EXTENSION OF TIME TO FILE RESPONSE
v.)	
ROBERT AYERS, Warden,)	
Respondent.)	
_____)	(Docket Nos. 12 & 18)

On August 13, 2007, petitioner, a California prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the Court are (1) petitioner’s motion for an evidentiary hearing and (2) petitioner’s motion for an extension of time to file a response to respondent’s motion to dismiss the petition.

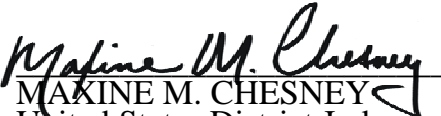
Petitioner’s motion for an evidentiary hearing (Docket No. 12) is hereby DENIED without prejudice on the ground that such motion is premature. To date, respondent has not filed an opposition to the petition. After respondent has done so and the factual record is more fully developed, petitioner may refile such a motion if appropriate at that time.

Petitioner’s motion for an extension (Docket No. 18) is hereby GRANTED; petitioner shall file his response to respondent’s motion to dismiss on or before December 22, 2009.

This order terminates Docket Nos. 12 and 18.

IT IS SO ORDERED.

DATED: October 30, 2009


 MAKINE M. CHESNEY
 United States District Judge

United States District Court
For the Northern District of California