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United States District Court
For the Northern District of California

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

ALEX JACKSON,
Petitioner,
v.
BEN CURRY, Warden,
Respondent.

No. C 08-0923 MMC

**ORDER GRANTING RESPONDENT'S
REQUEST FOR NUNC PRO TUNC
EXTENSION OF TIME TO FILE
SUPPLEMENTAL BRIEF**

Before the Court is respondent's Request for Nunc Pro Tunc Extension of Time, filed August 5, 2010, by which respondent seeks leave to file a supplemental brief regarding the significance of Hayward v. Marshall, 603 F.3d 546 (9th Cir. 2010), with respect to the instant action. As respondent concedes, the supplemental brief is not timely under the Court's June 16, 2010 Order. Although respondent's counsel seeks to explain such delay by stating that she "did not receive a copy" and "only became aware of the Order . . . when [she] received Petitioner's responding brief" (see Declaration ¶ 4), the Court notes that all parties were served with said order by electronic filing on June 16, 2010. Nevertheless, because the Court remains interested in hearing from both parties, the Court will allow the late filing.

IT IS SO ORDERED.

Dated: August 24, 2010


MAXINE M. CHESNEY
United States District Judge