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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

MARCOS AMPARO,)	No. C 09-0801 MMC (PR)
)	
Petitioner,)	ORDER GRANTING EXTENSION OF
)	TIME TO COMPLY WITH COURT
v.)	ORDER; DIRECTIONS TO CLERK
)	
S. McEWEN, Warden,)	(Docket No. 13)
)	
Respondent.)	
_____)	

On February 24, 2009, 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. By order filed August 2, 2010, the Court denied petitioner’s motion to file an amended petition, and directed petitioner, within thirty days, either to (1) inform the Court that he intends to proceed only with the claims included in the petition he filed on February 24, 2009, or (2) move for a stay of the instant petition while he returns to state court to exhaust his unexhausted claims. (Docket No. 12 at 2:16-19.)

Petitioner now moves for an extension of time of forty-five days to comply with the Court’s order, on the ground that his legal documents were lost by prison officials when petitioner was transferred from Corcoran State Prison to Calipatria State Prison. GOOD CAUSE appearing, petitioner’s motion will be granted. Within **forty-five** days of the date

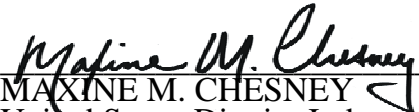
1 this order is filed, petitioner shall file with the court and serve on respondent his response to
2 the Court's prior order. Further, as petitioner was instructed by the prior order, if petitioner
3 fails to timely respond to this order by choosing one of the above-enumerated options, the
4 Court will schedule a date for petitioner to file a traverse to respondent's answer to the
5 petition that was filed on February 24, 2009.

6 Additionally, in the instant motion, petitioner has notified the Court that in place of
7 Derral G. Adams, the Warden of Corcoran State Prison originally named as respondent
8 herein, he is substituting S. McEwen, the Acting Warden of Calipatria State Prison, where
9 petitioner currently is incarcerated. Accordingly, the Clerk is hereby DIRECTED to modify
10 the docket to reflect that Warden McEwen is the proper respondent.

11 This order terminates Docket No. 13.

12 IT IS SO ORDERED.

13 DATED: October 22, 2010

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15 MAXINE M. CHESNEY
16 United States District Judge
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