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

ALFRED D. ALBERS,)
)
 Petitioner.)
)
 v.)
)
 WARDEN M.S. EVANS,)
)
 Respondent.)
 _____)

No. C 09-2647 MMC (PR)
**ORDER EXTENDING DEADLINE
FOR PETITIONER'S OPPOSITION
TO MOTION TO DISMISS;
DIRECTIONS TO CLERK**

On June 14, 2009, petitioner, a California prisoner then incarcerated at Salinas Valley State Prison and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ The Court, by order filed October 21, 2010, directed respondent to file an answer showing cause why a writ of habeas corpus should not be granted, or, in the alternative, a motion to dismiss the petition on procedural grounds; by said order, petitioner was informed that his opposition, or statement of non-opposition, to respondent's motion had to be filed no later than thirty days from the filing date of the motion.

On November 16, 2010, respondent filed a motion to dismiss the petition as untimely. Although more than thirty days have passed from the date the motion to dismiss was filed,

¹Plaintiff currently is incarcerated at the Correctional Training Facility, Soledad, California.

United States District Court
For the Northern District of California

1 petitioner has not filed a response thereto.

2 The Court notes, however, that petitioner filed a notice of change of address dated
3 November 17, 2010, one day after respondent filed the motion to dismiss, and it appears from
4 respondent's declaration of service that the motion to dismiss was served on petitioner at his
5 previous address of record.

6 Accordingly:

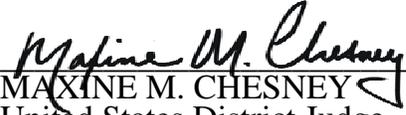
7 1. The Clerk is hereby DIRECTED to mail a copy of respondent's motion to dismiss
8 (Docket No. 8) along with a copy of this order to petitioner at his most recent address of
9 record at the Correctional Training Facility, Soledad, California.

10 2. The date by which petitioner must file opposition or a statement of non-opposition
11 to respondent's motion to dismiss is hereby EXTENDED to June 20, 2011.

12 3. If petitioner files an opposition, respondent, no later than July 6, 2011 shall file a
13 reply thereto.

14 IT IS SO ORDERED.

15 DATED: May 19, 2011


MAXINE M. CHESNEY
United States District Judge