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

BRIAN LEE PARKER,
Petitioner,

No. C 09-03989 WHA

v.

**ORDER GRANTING EXTENSION
FOR PETITIONER'S TRAVERSE**

LARRY SMALL,
Respondent.

Petitioner sought leave to stay and abet the instant habeas action so that he could exhaust certain unexhausted claims in the California Supreme Court. After additional briefing on this issue, his motion was denied. Pursuant to the order requesting additional briefing, petitioner's traverse should have been filed no later than April 23, 2010. Petitioner, however, has not filed a timely traverse.

Under 28 U.S.C. 2248, where petitioner does not file a traverse, the allegations in the government's response are accepted as true except to the extent the evidence in the record shows that they are not true. Nevertheless, because a traverse will be useful to the determination of the merits of his habeas motion, petitioner shall be given another opportunity. The deadline for petitioner to file his traverse shall be extended to **AUGUST 26, 2010, AT NOON.**

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If petitioner fails to meet this deadline, it is likely that his habeas petition shall be decided without the benefit of a traverse.

IT IS SO ORDERED.

Dated: August 4, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE