

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAR-NIQUE SIMON,
Plaintiff,
v.
DOMINGO URIBE,
Defendant.

Case No. 09-cv-05859-TEH

**ORDER GRANTING PETITIONER'S
FOURTH REQUEST FOR
ADDITIONAL TIME TO CONDUCT
DISCOVERY**

This matter is before the Court on Petitioner's request for a 90-day extension to conduct additional discovery regarding the equitable tolling claim at issue in his habeas petition. (Docket No. 51). For the foregoing reasons, the Court GRANTS Petitioner's request.

The Parties are familiar with the history of this case, so the Court here describes only relevant recent developments. On September 4, 2014, the Court granted Petitioner's request to conduct additional discovery in order to more fully develop the factual record, as instructed by the Ninth Circuit Court of Appeals. (Docket No. 43). On November 3, 2014, the Parties filed a joint case management statement informing the Court of Petitioner's progress, and requesting an additional 60 days to conduct discovery. (Docket No. 44). That request was granted. (Docket No. 46). On January 5, 2015, Petitioner requested an extension of time to pursue the discovery authorized in the September 4 Order; this request was also granted (Docket Nos. 47, 48). On March 9, 2015, the Court received a third request for an extension of time to conduct discovery, which was granted. (Docket Nos. 49, 50). On May 11, 2015, the court received this fourth request for an extension of time to conduct discovery. (Docket No. 51).

The Court has been informed that Petitioner is now fit to undergo a neuropsychological assessment, as authorized by the September 4, 2014 Order Granting Additional Discovery. Joint Statement at 8 (Docket No. 51). This evaluation is scheduled

1 for July 8-10, 2015. *Id.* Noting the importance of this evaluation, and the circumstances
2 that complicated attempts to complete earlier assessments, the Court hereby GRANTS
3 Petitioner's request for an additional 90 days to conduct discovery. On or before **August**
4 **12, 2015**, the parties shall file a joint case management statement informing the Court of
5 Petitioner's progress.

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IT IS SO ORDERED.

Dated: 05/14/15



THELTON E. HENDERSON
United States District Judge