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7 Attorney for Petitioner,  
 8 ANTHONY SORRELL

9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO VENUE

12 ANTHONY SORRELL,  
 13  
 14 Petitioner and Moving Party,

15 vs.

16 GARY SWARTHOUT, as Warden;  
 17 EDMUND G. BROWN, JR., Attorney  
 18 General, et. al.,  
 19 Respondents.

) No. 3:09-cv-05888-SI

) STIPULATION FOR LATE FILING OF  
 TRVERSE TO RETURN AND  
 PROPOSED ORDER

20 THE PARTIES STIPULATE:

21 The traverse to the return to the petition on file herein was due on November  
 22 5, 2010 and should be filed on November 16, 2010. Counsel for the defense suffered  
 23 from influenza from a time prior to the due date of the petition, as well as from  
 24 other issues, which prevented him from being able to file the traverse before the  
 25 proposed date. Counsel was in communication with the state's attorney who  
 26 consented to any delay in filing-time that he required under the circumstances. The  
 27 traverse is now completed and posed on the Court's web site and the parties  
 therefore mutually request that the Court grant, *nunc pro tunc*, an extension of

1 time to file the traverse from November 5, 2010 to November 16, 2010 and to order  
2 the traverse filed.

3 SO STIPULATED:

4 DATED: November 16, 2010

5 //s//Juliet Haley, DAG

6 \_\_\_\_\_  
7 Attorney for Respondent

8  
9 \ //s// Donald Thomas Bergerson

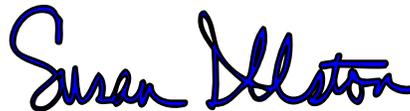
10 \_\_\_\_\_  
11 Attorney for Petitioner

12  
13 PROPOSED ORDER EXTENDING TIME FOR FILING AND ORDERING  
14 TRAVERSE TO RETURN TO BE FILED

15 The annexed stipulation having been considered and GOOD CAUSE  
16 APPEARING THEREFOR, the Court orders that time for filing the traverse to the  
17 return to the § 2254 motion on file herein is extended to November 16, 2010 and  
18 ORDERS that the traverse be filed as of that dated.

19 SO ORDERED.

20 DATED: November \_\_, 2010



21 \_\_\_\_\_  
22 UNITED STATES DISTRICT JUDGE

23 PROOF OF SERVICE

24 I, DONALD THOMAS BERGERSON, am 18 years old and not a party hereto,  
25 and on November 16, 2010, I served the within on Attorney General of California,  
26 by depositing the same in the ECF filing system of this Court.

27 EXECUTED: City and County of San Francisco, California, in the Northern  
District of California, this November 16, 2010.

//s// Donald Thomas Bergerson

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DONALD THOMAS BERGERSON