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 3 PMB 336-5050 Laguna Blvd., Suite 112  
 Elk Grove, CA 95758  
 Telephone: (916) 691-4118  
 4 Attorney for Petitioner KING

5  
 6 UNITED STATES DISTRICT COURT  
 7 NORTHERN DISTRICT OF CALIFORNIA

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9	ALTON KING,	)	No. 3:11-cv-02792 SI
10	Petitioner,	)	
11		)	DECLARATION AND APPLICATION
12		)	FOR ENLARGEMENT OF TIME
13	DERRAL G. ADAMS, WARDEN	)	TO FILE RESPONSE TO
14	Respondent.	)	ANSWER
15		)	

16 I, EMRY J. ALLEN, hereby declare under penalty of perjury as follows:  
 17 I am the attorney representing petitioner herein. A response to the habeas corpus  
 18 petition was filed on July 3, 2012. Petitioner’s response thereto was last due for filing on  
 19 November 30, 2012. Counsel has requested an extension through and including  
 20 December 31, 2012, within which to file petitioner’s response. To my knowledge I have  
 21 not been served with an order on this request.

22 I hereby respectfully request one final thirty-day enlargement of time, through and  
 23 including January 30, 2013, within which to file petitioner’s response. This is my fourth  
 24 request for an enlargement of time. I expect to file petitioner’s response within the  
 25 additional time requested. I regret the delay in the filing of petitioner’s response.

1 I most recently spoke with Deputy Attorney General Karen Bovarnick, counsel for  
2 respondent, on November 27, 2012. As of that date respondent has not opposed  
3 petitioner's requests for additional time to file petitioner's response.

4 The reasons for this application are as follows:

5 1. I am handling this case on a strictly *pro bono* basis, as a courtesy to petitioner,  
6 whom I represented as appointed counsel in his state court appeal. Thus, while I have  
7 made considerable progress on the traverse herein, I have also had to devote significant  
8 time to other matters, many of which have involved preexisting deadlines following  
9 multiple extensions, in order to sustain my practice. Specifically, I recently filed the  
10 opening brief in *People v. Jefferies-Echols* (C071479); I must prepare the opening brief  
11 in *People v. Herring* (F065167; no further extensions absent proof of exceptional  
12 circumstances); the reply to the Attorney General's informal response to petitioner's  
13 habeas corpus petition in *In re Brown*, S200366 an automatic appeal in which I am lead  
14 appointed counsel (informal response filed on September 25, 2012); the traverse in a  
15 noncapital federal habeas corpus proceeding; *King v. Adams* (3:11-cv-02792 SI;  
16 traverse due on November 30 following two sixty-day extensions; extension to December  
17 31 requested); the reply brief and habeas corpus investigation in *People v. Spencer*,  
18 S057242, another automatic appeal in which I am lead appointed counsel; the reply brief  
19 in *Carter v. Entercom*, C066751, a lengthy and complex civil appeal (ARB due on January  
20 7, 2013 following multiple extensions); and record review in *People v. Ward* (B243600;  
21 murder case; 3000 page record).

22 2. I emphasize that I expect to file petitioner's response within the additional time  
23 requested. However, for the foregoing reasons, I have been unable to properly complete  
24 and file said response to the answer within the time previously requested. I therefore  
25 respectfully request that the time for filing of said response be extended thirty days,  
26 through and including January 30, 2013.

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I declare under penalty of perjury of the laws of the state of California and the United States of America that the foregoing is true and correct.

Executed on December 30, 2012, at Elk Grove, California.

/s/ Emry J. Allen  
EMRY J. ALLEN  
Attorney at Law

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4 Attorney for Petitioner KING

5  
6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
8

9 ALTON KING, ) No. 3:11-cv-02792 SI  
10 )  
Petitioner, )  
11 )  
12 ) ORDER RE: APPLICATION  
13 ) FOR ENLARGEMENT OF TIME  
14 )  
DERRAL G. ADAMS, ET. AL., )  
\_\_\_\_\_ )

15 GOOD CAUSE APPEARING, it is hereby ordered that petitioner's time for  
16 responding to the Attorney General's answer herein is extended thirty (30) days, through  
17 and including January 30, 2013.

18  
19 DATED: 1/8/12

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21 \_\_\_\_\_  
United States District Judge  
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1 **CERTIFICATE OF SERVICE**

2 ***King v. Adams, 3:11-cv-02792 SI***

3 I, undersigned, declare as follows:

4 I am a citizen of the United States, over the age of 18 years and not a party to the  
5 within action; my place of employment and business address is 5050 Laguna Blvd., Suite  
6 112, PMB 336, Elk Grove, CA 95758. I hereby certify on the date shown, that I served the  
7 forgoing

8 **DECLARATION AND APPLICATION FOR ENLARGEMENT OF TIME  
9 TO FILE RESPONSE TO ANSWER; ORDER RE: APPLICATION FOR  
10 ENLARGEMENT OF TIME**

11 by serving the Clerk of the United States District Court for the Northern District of  
12 California using the Court's electronic filing system. Participants in this case who are  
13 registered with this system will be served by the electronic filing system. I further certify  
14 that some of the participants in this case are not registered with the Court's electronic filing  
15 system. On the date shown I served the foregoing document on the following  
16 non-registered participant, and on the Attorney General, at the addresses shown, by placing  
17 the document in an envelope(s) and sealing and depositing said envelopes in a United  
18 States Postal Service mailbox at Elk Grove, California, with postage thereon fully prepaid:

19 Attorney General  
20 455 Golden Gate Avenue  
21 Suite 11000  
22 San Francisco, CA 94102

Alton King, T83180  
SATF/CSP  
E4-116  
P.O. Box 7100  
Corcoran, CA 93212

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on December 30, 2012, at Elk Grove, California.

25 /s/ Emry J. Allen  
26 Emry J. Allen