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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERNEST EDWARD DYKES,
Petitioner,
v.
RON DAVIS, Warden of California State
Prison at San Quentin,
Respondent.

Case No. 11-cv-04454-SI

**ORDER REGARDING PETITIONER'S
REQUEST TO EXTEND TIME TO FILE
JOINT STATEMENT**

Re: Dkt. No. 62

Petitioner has filed a second request to extend by 60 days the time to file a joint statement outlining a litigation schedule for the adjudication of his capital habeas petition. Petitioner asserts that he needs additional time so that he may pursue a proposed settlement of his case. Petitioner notes that he is awaiting third-party input relating to claim 1 of his petition, which alleges that the death penalty is disproportionate to his culpability.

Respondent opposes petitioner's request. He asserts that the resolution of the habeas petition has already been significantly delayed, that petitioner has declined to work with respondent on a joint statement and the nature of the settlement sought by petitioner is unclear. Respondent further notes that because resolution of claim 1 has been stayed by this Court, the parties may proceed to resolve the remainder of petitioner's claims. Finally, respondent requests that if this Court were inclined to grant an extension, to do so only until September 10, 2018, as respondent's counsel will be on leave from September 17 through October 15, 2018.

Having reviewed the parties' contentions, the Court grants an extension until September 10, 2018 for the filing of a joint statement. No further extensions are anticipated.

IT IS SO ORDERED.

Dated: August 24, 2018



SUSAN ILLSTON
United States District Judge