

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
For the Northern District of California

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

EDWARD GUTIERREZ,

No. C-11-4740 TEH (PR)

Petitioner,

v.

ORDER GRANTING PETITIONER'S  
REQUEST FOR EXTENSION OF TIME  
TO FILE TRAVERSE AND ORDERING  
RESPONDENTS TO PROVIDE EXHIBITS  
TO PETITIONER

C. GIBSON, Warden, and LOPEZ,  
Former Warden,

Respondents.

\_\_\_\_\_ /

On September 19, 2011, Petitioner Edward Gutierrez, an inmate housed at Corcoran State Prison, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a judgment of conviction from the Santa Clara County superior court. Doc. #1. On April 9, 2012, the Court issued an Order to Show Cause for Respondents to file an answer showing why a writ of habeas corpus should not be granted. Doc. #4. On December 3, 2012, Respondents filed their answer and a motion to file the exhibits submitted with their answer under seal. Docket #25. The Court granted the motion to file the exhibits under seal. Docket #26.

1           On December 26, 2012, Petitioner filed the instant motion  
2 for a sixty-day extension of time to file his traverse. Doc. #28.  
3 He states that, although he received Respondents' answer to the  
4 Order to Show Cause, he did not receive copies of exhibits A through  
5 E that Respondents indicate are attached to their answer and that he  
6 has requested these documents from them.

7           The Court notes that Respondents may not have sent  
8 Petitioner exhibits A through E because they are filed under seal.  
9 In their motion to seal these exhibits, Respondents indicated that  
10 they were under seal at the state court and that the state court  
11 allowed Respondents to have these documents on the condition that  
12 they remain under seal.

13           Even though these exhibits are under seal so that the  
14 public may not see them, Petitioner must have access to the relevant  
15 information in them in order to respond effectively to Respondents'  
16 answer to his petition. Therefore, Respondents shall provide to  
17 Petitioner copies of these documents, or redacted copies of these  
18 documents, within two weeks from the date of this Order. If  
19 Respondents feel that they cannot provide to Petitioner even  
20 redacted copies of these documents, within one week from the date of  
21 this Order, they must file a declaration indicating the reasons they  
22 cannot do so and their thoughts on how Petitioner may fairly respond  
23 to their answer without access to the relevant information in these  
24 documents.

25           Therefore, Petitioner's motion is granted; he shall have  
26 an additional sixty days from the date of this Order in which to  
27

1 file his traverse.

2 IT IS SO ORDERED.

3

4 DATED 01/09/2013



---

THELTON E. HENDERSON  
United States District Judge

5

6

7

8

9

G:\PRO-SE\TEH\HC.11\Gutierrez 11-4740 EOT.wpd

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28