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

EDWARD GUTIERREZ,

No. C-11-4740 TEH (PR)

Petitioner,

ORDER FOR RESPONDENTS TO
RESPOND TO PETITIONER'S
REQUESTS FOR EXHIBITS AND
VACATING DATE FOR PETITIONER'S
TRAVERSE

v.

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

Respondents.

_____ /

United States District Court
For the Northern District of California

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 some of the exhibits submitted with their answer under seal. Doc. #25. The Court granted the motion to file the exhibits under seal. Doc. #26.

Since that time Petitioner has filed several documents indicating that he has not received the exhibits Respondents filed with their answer. See Doc. #27 (Petitioner's December 14, 2012 Letter that he did not receive exhibits); Doc. #32 (Petitioner's

1 January 22, 2013 Notice that he did not receive exhibits). On
2 January 22, 2013, the Court issued an Order Granting Petitioner an
3 extension of time to file his traverse and ordering Respondents to
4 provide exhibits to Petitioner.

5 On February 22, 2013, Petitioner filed the instant motion
6 requesting additional time to file his traverse because he still has
7 not received exhibits from Respondents. He attaches a list of the
8 exhibits he has not received.

9 Accordingly, the Court ORDERS Respondents, within two
10 weeks from the date of this Order, to file with the Court and to
11 serve on Petitioner a response to Petitioner's requests for
12 documents.

13 The Court vacates the filing date for Petitioner's
14 traverse. The Court will set a new date for the traverse after it
15 reviews Respondents' response to Petitioner's requests for
16 documents.

17 IT IS SO ORDERED.

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19 DATED 03/18/2013



THELTON E. HENDERSON
United States District Judge

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