

ORIGINAL

ORIGINAL

1 Robert J. Beles Bar No. 41993
2 Paul McCarthy Bar No. 139497
3 One Kaiser Plaza, Suite 2300
4 Oakland, California 94612-3642
5 Tel No. (510) 836-0100
6 Fax. No. (510) 832-3690

7 Attorneys for Petitioner

8 *United States District Court*
9 *Northern District of California*
10 *San Francisco Courthouse*

11 VINCENT TURNER,

12 Petitioner,

13 v.

14 FRED FOULK, Warden, High Desert State
15 Prison

16 Respondent,

17 PEOPLE OF THE STATE OF CALIFORNIA,

18 Real Party in Interest.

No. **3:13-CV-05718-VC**

MOTION AND DECLARATION OF GOOD
CAUSE FOR EXTENSION OF TIME TO
FILE TRAVERSE AND REPLY
MEMORANDUM
AND ORDER

19 MOTION AND DECLARATION OF GOOD CAUSE FOR
20 EXTENSION OF TIME TO FILE TRAVERSE AND REPLY MEMORANDUM

21 I, Paul McCarthy, declare under penalty of perjury as follows:

- 22 1. I am the attorney for petitioner in this case.
- 23 2. Respondent's Answer was filed on June 5, 2014. The Traverse and Reply
24 Memorandum is currently due on August 4, 2014.
- 25 3. Counsel requests an extension of 35 days, so that the traverse and reply will be due
26 on Monday, September 8, 2014.
4. Petitioner has previously requested one extensions of time for 30 days to file the

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

traverse and reply memorandum.

5. Within the last 30 days, I prepared and filed a reply brief in the Ninth Circuit for Nevarez and a traverse and reply memorandum for Milton. I am currently working on a opening brief in the First Appellate District (Lopez) that must be filed this month. Because of the work on these items, I will be unable to prepare and file the traverse and reply memorandum by the due date.

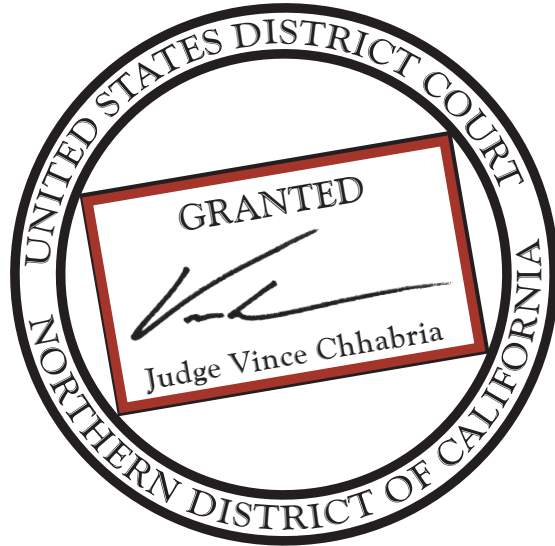
6. On July 29, 2014, my office contacted Margo Yu, the listed attorney of record for respondent. Ms. Yu indicated that she had no objection to the request.

I declare under penalty of perjury that the facts stated in this declaration are true and correct. Executed in Oakland, California, on Tuesday, July 29, 2014.



Paul McCarthy
Attorney for Petitioner

Date: July 31, 2014



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

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the Eastern District of California by using the CM/ECF system on July 29, 2014.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Signature: /s/ Paul McCarthy