

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  
NORTHERN DISTRICT OF CALIFORNIA

GREGORY L. HOLT,  
Petitioner,  
v.  
MARTIN L. FRINK,  
Respondent.

Case No. 15-cv-01302-EMC

**ORDER RE RESPONDENT’S MOTION  
TO DISMISS**

Docket No. 7

Currently pending before the Court is Respondent Martin L. Frink’s motion to dismiss Petitioner Gregory L. Holt’s petition for habeas corpus. The Court held a hearing on the motion on October 15, 2015. This order memorializes the oral rulings made by the Court at the hearing and makes additional rulings where necessary.

More specifically, the Court defers ruling on the motion to dismiss so that the factual record can be developed regarding the issue of equitable tolling. Petitioner shall immediately identify for Respondent the various facilities where he has been held between January 10, 2013 and April 2, 2014 (the “relevant period”). Respondent shall then contact those facilities to obtain records regarding Petitioner’s communications to his former counsel, his former counsel’s law firm, or other employees at the law firm. In particular, Respondent shall obtain mail logs or phone logs for Petitioner during the relevant period. Respondent shall serve any and all records obtained on Petitioner no later than **December 3, 2015**.

///  
///  
///  
///

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

The hearing on the motion to dismiss is continued to **December 17, 2015**, at 1:30 p.m.  
One week prior to the hearing, each party shall file a brief, no longer than three pages, addressing the equitable tolling issue in light of the records obtained.

**IT IS SO ORDERED.**

Dated: October 16, 2015



---

EDWARD M. CHEN  
United States District Judge