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

ARTHUR GRADY GARNER,
Petitioner,
v.
B.A. MAYLE,
Respondent.

No. C 99-02863 CW
ORDER REGARDING
PETITIONER'S MOTION
FOR STATUS OF CASE
(Docket # 110)

Petitioner requests that the Court inform him of the status of his petition because he has been unsuccessful in obtaining this information from his counsel.

On January 23, 2009, Erik G. Babcock, Petitioner's counsel, filed a motion to extend the time to file a brief on behalf of Petitioner. Mr. Babcock requested an extension from January 22 to March 9, 2009 due to the fact that he had just been confirmed to start trial on February 3, 2009 in People v. Chavez, Sonoma County Superior Court No. 498567, representing the defendant who was charged with first degree murder. Mr. Babcock declared that he needed as much time as possible to prepare for the Chavez trial and could not finish Petitioner's brief at the same time. Mr. Babcock estimated that the trial would conclude at the end of February. He requested an extension to March 9th to allow himself one full week

1 after the trial ended to complete his brief on behalf of
2 Petitioner.

3 On January 26, 2009, the Court granted, due to the Chavez
4 trial, the request for an extension of time to March 9, 2009 to
5 file further briefing, but added that if the trial did not proceed,
6 counsel should notify the Court and propose an earlier filing date.
7 The Court anticipates that Petitioner's brief will be filed by
8 March 9, 2009.

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10 IT IS SO ORDERED.

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12 Dated: 2/19/09



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CLAUDIA WILKEN
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 GARNER,

5 Plaintiff,

6 v.

7 MAYLE,

8 Defendant.

Case Number: CV99-02863 CW

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on February 19, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Arthur Garner
16 D-26064
17 Pleasant Valley State Prison
18 P.O. Box 8501
19 Coalinga, CA 93210

20 Dated: February 19, 2009

21 Richard W. Wieking, Clerk
22 By: Sheilah Cahill, Deputy Clerk