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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

Curtis Lee ERVIN,  
Petitioner,

v.

Kevin CHAPPELL,<sup>1</sup> Acting Warden of  
San Quentin State Prison,  
Respondent.

Case Number 4-0-cv-1228-CW

DEATH-PENALTY CASE

ORDER GRANTING PETITIONER'S  
MOTION TO AMEND

[Doc. No. 250]

Petitioner timely filed his Opposition to State's Motion for Summary Judgment and Motion for Evidentiary Hearing. (Doc. No. 248.) Petitioner moves to amend this brief to correct typographical and other minor errors. (Doc. No. 250.)

Good cause appearing therefor, the Court grants Petitioner's Motion, and deems the original brief, (Doc. No. 248), withdrawn, and the amended brief, (Doc. No. 249), timely filed as of the date the present Order is posted; the Clerk shall correct the docket accordingly. Pursuant to the Court's Order Amending Post-

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<sup>1</sup> Respondent's name is correctly spelled as indicated here. The Clerk shall correct the docket accordingly.

1 Discovery Case Schedule, (Doc. No. 199), Respondent's  
2 reply/opposition brief is due within forty-five days from the  
3 date the present Order is posted, and Petitioner's reply brief is  
4 due within thirty days from the date that Respondent's  
5 reply/opposition brief is filed.

6 IT IS SO ORDERED.

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8 DATED: January 14, 2013



CLAUDIA WILKEN

United States District Judge

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