

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

3 CARMON E. WARREN,

No. C 02-5779 SBA (pr)

4 Petitioner,

5 v.

6 A. K. SCRIBNER, Warden,

7 Respondent.
_____ /

**ORDER DIRECTING RESPONDENT TO
FILE RESPONSE TO PETITIONER'S
MOTION FOR RELIEF FROM
JUDGMENT**

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9 Petitioner, a state prisoner, filed a notice of appeal of this Court's judgment dismissing as
10 time-barred his petition for a writ of habeas corpus under 28 U.S.C. § 2254. Thereafter, the Court
11 granted Petitioner's request for a certificate of appealability upon finding that "reasonable jurists
12 could disagree with this Court's conclusion that Petitioner's application is time-barred." (June 23,
13 2006 Order at 1 (citing Thomas v. Greiner, 174 F.3d 260, 261 (2d Cir. 1999) (district court may
14 grant certificate of appealability under 28 U.S.C. § 2253(c) on whether habeas petition is
15 time-barred)).)

16 On November 21, 2007, the Ninth Circuit Court of Appeals affirmed the judgment of this
17 Court.

18 Before the Court is Petitioner's pro se motion for relief from judgment, pursuant to Federal
19 Rule of Civil Procedure 60(b). Respondent has not filed a response to Petitioner's motion.
20 Accordingly, Respondent is GRANTED leave to file a response to Petitioner's motion for relief from
21 judgment. Respondent shall file his brief no later than **thirty (30) days** from the date of this Order.

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23 IT IS SO ORDERED.

24 DATED: 1/14/11


25 SAUNDRA BROWN ARMSTRONG
26 United States District Judge

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