

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 GRANTING EXTENSION OF
TIME FOR PETITIONER TO REPLY TO
RESPONDENT'S RESPONSE TO
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. On December 23, 2010, Petitioner filed a motion for relief from judgment pursuant to
18 Federal Rule of Civil Procedure 60(b). In an Order dated January 14, 2011, the Court directed
19 Respondent to file a response to Petitioner's motion for relief from judgment. On February 7, 2011,
20 Respondent filed his response.

21 Before the Court is Petitioner's letter dated February 10, 2011, which will be construed as a
22 motion for extension of time to file his reply to Respondent's response.

23 Accordingly, Petitioner's motion for extension of time is GRANTED, and he shall file his
24 reply to Respondent's response to the motion for relief from judgment no later than **thirty (30) days**
25 from the date of this Order.

26 IT IS SO ORDERED.

27 DATED: 3/7/11

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SAUNDRA BROWN ARMSTRONG
United States District Judge