

United States District Court  
For the Northern District of California

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

ROMAN SUNDAY,

No. C 07-05308 SBA (PR)

Petitioner,

**ORDER GRANTING SECOND  
EXTENSION OF TIME FOR  
PETITIONER TO FILE OPPOSITION TO  
MOTION TO DISMISS**

v.

D. K. SISTO, Warden,

Respondent.

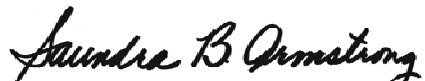
Petitioner, a state prisoner, filed a pro se petition for a writ of habeas corpus. The Court directed Respondent to file an answer to the petition and granted Petitioner leave to file a traverse within thirty days after the answer was filed. In lieu of filing an answer, Respondent has filed a motion to dismiss. Petitioner has not filed an opposition to the motion to dismiss. On October 16, 2008, the Court granted Petitioner an extension of time to file an opposition.

Before the Court is Petitioner's second request for an extension of time to file an opposition to Respondent's motion to dismiss.

Accordingly, the Court GRANTS Petitioner a second extension of time in which to file his opposition to Respondent's motion to dismiss. The time in which Petitioner may file his opposition to Respondent's motion to dismiss will be extended up to and including **sixty (60) days** from the date of this Order. Respondent shall file a reply brief no later than **fifteen (15) days** after the date Petitioner's opposition is filed.

IT IS SO ORDERED.

DATED: 11/3/08

  
SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE

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

4 ROMAN SUNDAY,

5 Plaintiff,

6 v.

7 D.K. SISTO et al,

8 Defendant.

Case Number: CV07-05308 SBA

**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 November 4, 2008, 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 located  
14 in the Clerk's office.

15 Roman Sunday  
16 California State Prison - Solano  
17 V-11338  
18 P.O. Box 4000  
19 Vacaville, CA 95696-4000

20 Dated: November 4, 2008

21 Richard W. Wieking, Clerk  
22 By: LISA R CLARK, Deputy Clerk  
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