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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID LOUIS COSTELLA,

Petitioner,

No. C 08-1010 PJH

v.

**ORDER FOR BRIEFING RE:
MOTION TO EXPAND RECORD,
FOR DISCOVERY AND/OR
FOR AN EVIDENTIARY HEARING**

KENNETH CLARK, Warden,

Respondent.

On February 20, 2008, David Costella, a state prisoner, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In addition to the traverse filed by Costella on June 10, 2009, Costella also filed a motion for expansion of the record, for discovery, and for an evidentiary hearing, to which respondent has not had the opportunity to respond. Respondent is hereby ORDERED to file and serve a response to Costella's motion within twenty-one days of the date of this order. Costella's reply, if any, is due no later than fourteen days after service of the response.

IT IS SO ORDERED.

Dated: August 6, 2009



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California