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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHERROD KEARNEY,

Petitioner,

v.

G. SWARTHOUT, Warden,

Respondent.

No. C 09-05308 CW (PR)

ORDER GRANTING RESPONDENT'S
MOTION TO FILE ADDITIONAL
BRIEFING AND EXHIBITS; GRANTING
PETITIONER'S REQUEST FOR
EXTENSION OF TIME TO FILE
TRAVERSE

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. Respondent filed an answer on March 29, 2011. Now before the Court is Respondent's request to file additional briefing and exhibits with respect to Petitioner's ineffective assistance of counsel claim, on the ground that the reporter's and clerk's transcripts related to said claim became available to Respondent only recently. Good cause appearing, the request is GRANTED. The Clerk of the Court shall docket as "filed" the additional briefing and exhibits submitted by Respondent with the instant request on May 10, 2011 (Docket no. 33). Additionally, Respondent shall serve a copy of the additional briefing and exhibits on Petitioner within **twenty (20)** days from the date of this Order.

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Petitioner has filed a request for an extension of time to file a traverse to the answer. The request is hereby GRANTED. Petitioner shall file his traverse no later than **60 (sixty)** days from the date of this Order. If no traverse is received by that date, the matter will be deemed submitted and ready for decision.

This Order terminates Docket nos. 33 and 34.

IT IS SO ORDERED.

Dated: 6/7/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 SHERROD KEARNEY,

5 Plaintiff,

6 v.

7 G. SWARTHOUT et al,

8 Defendant.

Case Number: CV09-05308 CW

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 June 7, 2011, 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
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
14 receptacle located in the Clerk's office.

15 Sherrod Kearney F-26829
16 CSP-Solano
17 P.O. Box 4000
18 Vacaville, CA 95696-4000

19 Dated: June 7, 2011

20 Richard W. Wieking, Clerk
21 By: Nikki Riley, Deputy Clerk
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