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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Raymond A. Shields,

NO. C 00-20868 JW

Petitioner,

**ORDER DEEMING WRIT OF HABEAS
CORPUS AS SUBMITTED**

v.

A.A. Lamarque, Warden,

Respondent.


On October 2, 2009, the Court issued an Order Granting Petitioner's counsel additional time to file a traverse. The Court set the deadline as November 13, 2009. (Docket Item No. 84.) In addition, in light of multiple letters the Court received from Petitioner inquiring about the status of his case, the Court directed counsel to respond to Petitioner's inquiries. (*Id.*) To date, nearly two months later, no traverse has been filed nor is there a motion by counsel for additional time. In addition, the Court has received two additional inquiries from Petitioner regarding the status of his case.

This case has been pending since 2000, thus there is a need to bring it to a close in an expeditious matter to avoid any prejudices to the parties. Over the last three years, the Court has granted Petitioner's counsel multiple requests for extension of time to file the traverse. (*See* Docket.) In light of counsel's failure to respond to the October 2 Order, and in light of the age of this Petition, the Court now deems the Petition as submitted and will proceed to address its merits in due course. (*See* Habeas L.R. 2254-6(c), filing of a traverse is optional.)

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The Court once again directs counsel to communicate with his client as to the status of the case.

Dated: January 6, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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5 **Dated: January 6, 2010**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy