

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-Filed 2/19/09

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

JOHNNY CORDOVA,

Petitioner,

v.

C.A. TERHUNE,

Respondent.

Case Number C 01-20168 JF

ORDER SETTING BRIEFING
SCHEDULE AND HEARING ON
PETITIONER'S MOTIONS FILED
FEBRUARY 17, 2009

An evidentiary hearing in the above-entitled habeas action presently is scheduled for February 26, 2009 at 9:00 a.m. On February 17, 2009, Petitioner filed motions to continue the hearing, to permit Petitioner to obtain dental services, and for a temporary restraining order to prevent prison officials from disposing of certain property. Respondent shall file and serve any responses to the motions on or before February 23, 2009 at 5:00 p.m. Petitioner shall file and serve any replies on or before February 25, 2009 at 5:00 p.m. The motions will be heard on February 26, 2009 at 9:00 a.m; counsel may appear telephonically by prior arrangement.

In light of the procedural posture of this case, including the fact that Petitioner's counsel apparently has yet to file the paperwork necessary to transfer Petitioner from state to federal custody so that he may testify, it is clear that the evidentiary hearing cannot proceed on February 26. Respondent may oppose the motions on any appropriate ground, including but not limited to

1 Petitioner's lack of diligence in taking the steps necessary to permit the hearing to occur..

2 IT IS SO ORDERED.

3 DATED: 2/19/09


JEREMY FOGEL
United States District Judge

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Copies of Order served on:

2

3 Laurence K. Sullivan larry.sullivan@doj.ca.gov, DocketingSFAWT@doj.ca.gov

4 Maureen J. Shanahan Mstotaro@aol.com

5 Peggy S. Ruffra peggy.ruffra@doj.ca.gov, DocketingSFAWT@doj.ca.gov

6

7 Johnny Cordova
K-16714
8 Corcoran State Prison
P O Box 3471
9 3C01-118
Corcoran, CA 93212

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28