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 7
 8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 EDDIE VARGAS, SR.,)
 12)
 Petitioner,)
 13)
 vs.)
 14)
 MIKE KNOWLES, Warden,)
 15)
 Respondent.)
 16 _____

CASE NO. C-03-2930 JF (PR)
 STIPULATION OF THE PARTIES TO
 CONTINUE THE HEARING OF
 PETITIONER’S MOTION FOR A STAY
 OF THE FEDERAL HABEAS
 PROCEEDING, PURSUANT TO
 LOCAL RULE 7-7 (b)(1) & ORDER
~~PROPOSED~~ RE SAME.

Date: September 26, 2008
 Time: 9:00 a.m.
 Judge: Hon. Jeremy Fogel

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 20 Pursuant to Local Civil Rules 7-7 (b)(1) and 6-1 (a), the parties (Petitioner Eddie
 21 Vargas and Respondent Mike Knowles), through their respective attorney, hereby stipulate
 22 to a continuance of the hearing of Petitioner’s Motion To Stay Federal Habeas Proceeding,
 23 currently set on September 26, 2008, at 9:00 a.m., before the Honorable Jeremy Fogel, Judge
 24 of the United States District Court, for the Northern District of California.

25 The parties hereby stipulate that, with the Court’s permission, the hearing shall be
 26 continued from September 26, 2008 to October 24, 2008, at 9:00 a.m., with the Petitioner’s
 27 reply papers due on October 14, 2008 (at Petitioner’s request)..

28 The parties are entering into this stipulation at the request of Petitioner’s counsel, who

1 needs more time to study and respond to the arguments (core issues re statute of limitations
2 and relating back) raised by Respondent in its opposition to the original motion.

3 This is the first request for a continuance of this motion. Previously, the parties
4 stipulated to enlarge the time for Petitioner to file his reply from September 12, 2008 to
5 September 16, 2008. Petitioner's counsel discovered that he will need much more time to
6 adequately reply to the arguments raised in the opposition.

7 It is so stipulated.

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9 DATED: 9/19/08

10 /s/
by JERRY Y. FONG, Attorney for
Petitioner EDDIE VARGAS, SR.

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13 DATED: 9/19/08

14 /s/
by GREGORY A. OTT, Attorney for
Respondent MIKE KNOWLES

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17 ORDER

18 Pursuant to the parties' stipulation, and good cause appearing herein, it is hereby
19 ordered that the hearing for Petitioner's Motion To Stay is continued from September 26,
20 2008, to October 24, 2008, at 9:00 a.m. Petitioner's reply papers shall be filed on or before
21 October 14, 2008. It is so ordered.

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23
24 DATED: 9/22/08

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26 JUDGE OF THE UNITED STATES
DISTRICT COURT