

1 STEVEN G. KALAR
 Federal Public Defender
 2 CYNTHIA C. LIE
 Assistant Federal Public Defender
 3 160 West Santa Clara Street, Suite 575
 San Jose, CA 95113
 4 Telephone: (408) 291-7753



5 Counsel for Petitioner DENNIS RAY BARNETT

6
 7 IN THE UNITED STATES DISTRICT COURT
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

10 DENNIS RAY BARNETT,)	No. C 08-01604 RMW
)	
11)	STIPULATION AND []
)	ORDER EXTENDING BRIEFING
12 v.)	SCHEDULE ON RESPONDENT'S
)	MOTION TO DISMISS
13)	
VIMAL SINGH, Warden, et al.)	
14)	
)	
15 Respondents.)	
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16
 17 **STIPULATION**

18 The Ninth Circuit Court of Appeals issued its memorandum opinion on February 22,
 19 2013, vacating this Court's judgment and remanding for consideration of the timeliness of the
 20 petition based upon the Ninth Circuit's opinion in *Bills v. Clark*, 628 F.3d 1092 (9th Cir. 2010).
 21 The Court of Appeals' mandate was issued on March 18, 2013. On March 19, 2013, respondents
 22 filed a Motion to Dismiss the Petition as Procedurally Barred, which addresses a novel issue that
 23 is not related to the underlying issue on appeal - whether the petition is entitled to equitable
 24 tolling of the statute of limitations under 28 U.S.C. § 2244(d).

25 The parties hereby stipulate and agree that the current briefing schedule on respondents'
 26 motion to dismiss may be extended to allow petitioner additional time to file his opposition to

1 respondents' motion. The current due date for petitioner's opposition brief is April 2, 2013. The
2 purpose of this extension request is to allow petitioner's counsel additional time to research and
3 prepare petitioner's opposition brief which addresses an issue not previously raised in this
4 matter.

5 The parties agree on the following briefing schedule: petitioner shall file his opposition to
6 respondents' motion to dismiss on or before April 22, 2013. Respondents may file an optional
7 reply brief on or before May 6, 2013. The motion hearing date set for May 17, 2013 at 9:00 a.m.
8 shall remain the same.

9
10 Dated: March 25, 2013

11 _____
12 /s/
13 GREGORY A. OTT
14 Deputy Attorney General

15
16 Dated: March 25, 2013

17 _____
18 /s/
19 CYNTHIA C. LIE
20 Assistant Federal Public Defender

21
22 **[] ORDER**

23 Good cause appearing and by stipulation of the parties, it is hereby ordered that the
24 current briefing schedule on the respondents' motion to dismiss be extended to allow petitioner
25 to file his opposition on or before April 22, 2013, with respondent's reply brief, if any, to be filed
26 on or before May 6, 2013. The motion hearing date set for May 17, 2013 at 9:00 a.m. shall
remain the same.

Dated: _____


RONALD M. WHYTE
United States District Judge