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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
11

12 Robert Lee SMITH Jr.,

13 Petitioner,

14 v.

15 Kevin CHAPPELL,
16 Acting Warden of San Quentin State Prison,

17 Respondent.

Case Number 5-11-cv-3062-EJD


DEATH-PENALTY CASE

ORDER SHORTENING TIME FOR
BRIEFING SECOND MOTION FOR
EQUITABLE TOLLING

18 Petitioner's capital habeas petition is due on September 28, 2012. Petitioner has filed a
19 Second Motion for Equitable Tolling, in which he seeks an extension to November 28, 2012.
20 (Doc. No. 23.) The parties agree that the Motion may be heard on an expedited basis. (*Id.* at 9;
21 Doc. No. 23-1.) Accordingly, the request to shorten time is granted. Respondent shall respond
22 to the Motion by 12:00 noon on Monday, September 24, and Petitioner may reply to the response
23 by 9:00 a.m. on Tuesday, September 25, 2012. The Court will take the matter under submission
24 without oral argument.

25 *It is so ordered.*

26
27 DATED: September 21, 2012

28 
EDWARD J. DAVILA
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA
5

6 ROBERT LEE SMITH, JR.,
7 Plaintiff,
8

Case Number: CV11-03062 EJD

CERTIFICATE OF SERVICE

9 v.

10 MICHAEL MARTEL et al,
11 Defendant.
12 _____/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

14 That on September 21, 2012, I SERVED a true and correct copy(ies) of the attached, by placing
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
17 delivery receptacle located in the Clerk's office.

18 California Appellate Project
19 Federal Court Docketing
20 101 Second Street Suite 600
21 San Francisco, CA 94105

22 Michael David Laurence
23 Habeas Corpus Resource Center
24 303 Second Street Suite 400
25 San Francisco, CA 94107

26 Robert Lee Smith H-95100
27 San Quentin State Prison
28 San Quentin, CA 94974

Dated: September 21, 2012

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk