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

12
 13 **ANIANO OLEA,**

C 12-0148 LHK (PR)

14 Petitioner,

15 v.

APPLICATION FOR EXTENSION OF TIME

16 **WARDEN SALINAS VALLEY STATE**
 17 **PRISON,**

18 Respondent.

19
 20 Respondent hereby requests a 60-day extension of time until September 28, 2012, in which
 21 to file a response to petitioner’s petition for writ of habeas corpus. Good cause for the extension
 22 is set forth in the accompanying declaration of counsel. I have not attempted to contact petitioner
 23 because he is an incarcerated prisoner who is representing himself in this case.

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WHEREFORE, respondent respectfully requests that this Court grant an extension of time to and including September 28, 2012, in which to file an answer.

Dated: July 26, 2012

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
PEGGY S. RUFFRA
Supervising Deputy Attorney General

/s/ Linda M. Murphy

LINDA M. MURPHY
Deputy Attorney General
Attorneys for Respondent

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11 SAN JOSE DIVISION

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13 **ANIANO OLEA,**

C 12-0148 LHK (PR)

14 Petitioner,

15 v.

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
EXTENSION OF TIME**

16 **WARDEN SALINAS VALLEY STATE
17 PRISON,**

18 Respondent.
19

20 I, LINDA M. MURPHY, declare under penalty of perjury as follows:

21 I am a Deputy Attorney General for the State of California and am assigned to represent
22 respondent in this case.

23 Petitioner is a state prisoner who was convicted of 11 counts of inflicting corporal injury on
24 his spouse, four counts of making criminal threats, two counts of torture, two counts of
25 aggravated mayhem, and one count each of assault with a deadly weapon, possession of a firearm
26 by a felon, and possession of ammunition by a felon. He was also found to have personally
27 inflicted great bodily injury while committing corporal injury on a spouse. He was sentenced to
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1 four consecutive indeterminate terms of seven years to life in prison, consecutive to a determinate
2 term of 20 years.

3 Petitioner filed a petition for writ of habeas corpus in this Court on January 9, 2012. On
4 April 10, 2012, this Court issued an order directing respondent to respond.

5 Because of my caseload responsibility, I need additional time to file a response. Since this
6 Court's order, I have filed respondent's briefs in *People v. Powell* (A131100), *People v. Kim*
7 (h037765), *People v. Villareal* (H037177), *People v. Derrick* (A132036), an opposition in
8 *Wilridge v. Marshall* (3:09-CV-02236-SI), an answer and a motion in *Smith v. Trimble* (C-11-
9 3918-RS and C-11-4418-RS), and an opposition in *In re Duran* (A135477). I am currently
10 drafting a respondent's brief in *People v. Norris* (A132036). I have oral argument scheduled on
11 August 10, 2012, in *People v. Duran* (A130262 and A135477). I have two other state cases and
12 one other federal case with chronological precedence over this case. I have taken vacation and
13 furlough time in June and July, and I have a ten-day vacation planned in August.

14 Accordingly, I respectfully request that the Court grant respondent an extension of time to
15 and including September 28, 2012, in which to file a response.

16
17 Dated: July 26, 2012

Respectfully Submitted,

18 KAMALA D. HARRIS
19 Attorney General of California
20 PEGGY S. RUFFRA
Supervising Deputy Attorney General

21 /s/ Linda M. Murphy

22 LINDA M. MURPHY
23 Deputy Attorney General
Attorneys for Respondent

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

ANIANO OLEA,

Petitioner,

v.

**WARDEN SALINAS VALLEY STATE
PRISON,**

Respondent.

C 12-0148 LHK (PR)
~~PROPOSED~~ ORDER

On application of counsel and good cause appearing, the time to file the response to the habeas petition is extended to and including September 28, 2012.

Dated: 8/1/12


The Honorable Lucy H. Koh
United States District Judge

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Aniano Olea v. Warden of Salinas Valley State Prison*

No.: **C 12-0148 LHK (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On July 26, 2012, I served the attached

- (1) **APPLICATION FOR EXTENSION OF TIME**
- (2) **DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME**
- (3) **[PROPOSED] ORDER**

by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Aniano Olea
G-63622
Salinas Valley State Prison
31625 Highway 101
P.O. Box 1050
Soledad, CA 93960-1050**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 26, 2012, at San Francisco, California.

S. Chiang
Declarant

/s/ S. Chiang

Signature