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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANIANO OLEA,)	No. C 12-0148 LHK (PR)
)	
Petitioner,)	ORDER GRANTING MOTION FOR
)	EXTENSION OF TIME TO FILE
v.)	RESPONSE
)	
WARDEN,)	
)	
Respondent.)	
_____)	(Docket No. 44)

Petitioner, a state prisoner proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court ordered respondent to show cause why the petition should not be granted. Respondent filed an answer and a supplemental answer. Petitioner filed a traverse. On June 18, 2014, the court directed respondent to file either a motion to dismiss for petitioner’s failure to exhaust or a supplemental answer addressing the merits of all of petitioner’s claims and subclaims within sixty days of the order. (Docket No. 43.) Respondent has filed a motion seeking a 45-day extension of time in which to respond to the court’s order. (Docket No. 44.)

Respondent’s motion is GRANTED. Respondent shall file either a motion to dismiss for failure to exhaust or a supplemental answer **no later than September 30, 2014**. Should respondent file a motion to dismiss, petitioner must file an opposition **within twenty-eight days** after such motion is filed. Respondent shall then file a reply **fourteen days** thereafter.

Order Granting Motion for Extension of Time to File a Response
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1 If respondent believes that a motion to dismiss for failure to exhaust is not proper or if
2 respondent waives the exhaustion requirement, and instead files a supplemental answer,
3 petitioner shall file a traverse **within thirty days** after the supplemental answer is filed.

4 This order terminates docket number 44.

5 IT IS SO ORDERED.

6 DATED: 7/16/14

Lucy H. Koh

LUCY H. KOH
United States District Judge

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