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5 Attorney for Petitioner
 6 CARL SKIDMORE

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

<p>12 CARL SKIDMORE, 13 Petitioner, 14 v. 15 16 JOE LIZARRAGA, 17 Warden of California State Prison at 18 Mule Creek 19 Respondent.</p>	<p>) Case Number 5:14-4222-BLF)) PETITIONER’S UNOPPOSED MOTION) FOR EXTENSION OF TIME TO FILE) AN OPPOSITION TO RESPONDENT’S) MOTION TO DISMISS PETITION FOR) WRIT OF HABEAS CORPUS AS) UNTIMELY AND RESET THE) HEARING DATE)) Date: October 29, 2015) Time: 9:00 a.m.) Courtroom: 3)) Honorable Beth Labson Freeman) Courtroom 3, 5th Floor</p>
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 22 Petitioner, Carl Skidmore, by and through his counsel of record, hereby moves this
 23 Court for a thirty (30) day extension of the deadline to file his opposition to respondent’s
 24 motion to dismiss petition for writ of habeas corpus as untimely. Skidmore v. Lizarraga, Case
 25 No. 14-422-BLF, General Docket (“Doc”) #16. Granting this extension would extend the
 26 time for filing petitioner’s opposition from September 24, 2015 to October 24, 2015.

27 Petitioner also moves this Court to reset the hearing date for the motion from October
 28 29, 2015 to January 21, 2016.

1 This motion is based on the record in this case and the attached Declaration of James
2 Thomson. Respondent does not oppose this motion.

3
4 Dated: September 17, 2015

Respectfully submitted,

/s/ James S. Thomson

JAMES S. THOMSON

Attorney for Petitioner
CARL SKIDMORE

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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

12 CARL SKIDMORE,
13 Petitioner,

14 v.

16 JOE LIZARRAGA,
17 Warden of California State Prison at
Mule Creek

18 Respondent.

) Case Number 5:14-4222-BLF

) **DECLARATION OF COUNSEL IN**
) **SUPPORT OF PETITIONER'S**
) **UNOPPOSED MOTION FOR**
) **EXTENSION OF TIME TO FILE AN**
) **OPPOSITION TO RESPONDENT'S**
) **MOTION TO DISMISS PETITION FOR**
) **WRIT OF HABEAS CORPUS AS**
) **UNTIMELY**

) **Date: October 29, 2015**
) **Time: 9:00 a.m.**
) **Courtroom: 3**

) **Honorable Beth Labson Freeman**
) **Courtroom 3, 5th Floor**

21 _____
22 I, James S. Thomson, declare:

23 1. I am an attorney licensed to practice law in the State of California and
24 before this Court. I have been retained to represent petitioner in this matter.

25 2. On September 17, 2014, petitioner filed a petition for writ of habeas corpus in
26 the California Supreme Court. California Supreme Court Case No. S221277.

27 3. On September 18, 2014, petitioner filed a federal petition for writ of habeas
28 corpus in this case. Doc #1. On September 19, 2014, petitioner filed a motion to stay and

1 abey proceedings to exhaust potentially meritorious claims. Doc #4. On October 20, 2014,
2 this Court granted petitioner's motion to stay. Doc #5.

3 4. On January 14, 2015, the California Supreme Court denied petitioner's state
4 petition for writ of habeas corpus.

5 5. On February 13, 2015, petitioner filed a motion to reopen the case and lift the
6 stay. Doc #8. On February 25, 2015, this Court granted the motion to reopen the case and lift
7 the stay. Doc #9. The Court ordered respondent to "show cause why the petition should not
8 be granted based on" seven cognizable claims for relief within 91 days of the order. *Id.* The
9 Court also stated that respondent may file "a motion to dismiss on procedural grounds in lieu
10 of an answer" within 91 days of the order. *Id.* The Court further ordered petitioner to "serve
11 respondent and the respondent's attorney, the Attorney General of the State of California,
12 with a copy of this order and the petition with all attachments." *Id.*

13 6. On March 5, 2015, petitioner filed a notice of compliance with the February 25,
14 2015 Court Order. Doc #10.

15 7. On July 13, 2015, respondent filed a motion to dismiss the petition for writ of
16 habeas corpus as untimely. Doc #16.

17 8. On August 4, 2015, petitioner filed a motion for extension of time to file the
18 opposition to the motion to dismiss. Doc #17. On August 20, 2015, this Court granted the
19 motion. The opposition to the motion to dismiss is currently due on September 24, 2015.
20 Doc #9.

21 9. I am moving to extend that deadline by thirty (30) days so that I may research
22 issues and prepare the opposition. I believe that good cause supports extending the time.

23 10. In addition to the work performed in this case, I have been actively litigating
24 a number of capital and non capital complex cases in the Northern District of California and
25 elsewhere.

26 a. In *United States v. Williams*, N.D. Cal. Case No. 3:13-cr-00764-WHO,
27 the defendant is charged with RICO conspiracy and capital crimes.

28

1 b. In *United States v. Houff*, N.D. Cal. Case No. 4:12-00574-PJH, the
2 defendant is charged with RICO conspiracy and murder.

3 c. In *Perez-Gutierrez v. Baker*, Second Judicial District Court (Nevada)
4 Case No. CR94-1795B, the capital habeas petitioner is set to start the second part of an
5 evidentiary hearing.

6 d. In *In re Noel Jackson*, Riverside Superior Court Case No. RIC-475367,
7 the capital habeas petitioner is set to start the evidentiary hearing in his *Atkins v. Virginia*, 536
8 U.S. 304 (2002) intellectual disability case.

9 e. In *Petrosian v. United States*, Court of Appeals Case No. 14-55186, the
10 appellant filed his opening brief.

11 f. In *Roeung v. Uribe, Jr.*, USSC Case No. 15-5468, the habeas petitioner
12 filed his petition for writ of certiorari in the United States Supreme Court.

13 g. In *Kills On Top v. Kirkegard*, USSC Case No. 15-5834, the habeas
14 petitioner filed his petition for writ of certiorari in the United States Supreme Court.

15 11. I have exercised and will continue to exercise diligence with respect to this case.

16 12. The hearing on the motion to dismiss is scheduled for October 29, 2015. I am
17 unavailable to attend that hearing as I am a presenter at the Mexican Capital Legal Assistance
18 Program training conference in Santa Fe, New Mexico. I am requesting that the hearing be
19 reset to January 21, 2016.

20 13. On September 16, 2015, counsel for respondent, Deputy Attorney General
21 Gregory Ott informed my office that he does not oppose my requests for an extension of time
22 and to reset the hearing date to January 21, 2016.

23 I declare under the penalty perjury, as defined by the laws of the United States and
24 California, that the foregoing is true and correct.

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26 Dated: September 17, 2015

/s/ James S. Thomson

JAMES S. THOMSON

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CARL SKIDMORE,
Petitioner,

v.

JOE LIZARRAGA,
Warden of California State Prison at
Mule Creek
Respondent.

) Case Number 5:14-4222-BLF

) ~~PROPOSED~~ ORDER REGARDING
) PETITIONER'S UNOPPOSED MOTION
) FOR EXTENSION OF TIME TO FILE
) AN OPPOSITION TO RESPONDENT'S
) MOTION TO DISMISS PETITION FOR
) WRIT OF HABEAS CORPUS AS
) UNTIMELY AND RESET THE
) HEARING DATE

) Honorable Beth Labson Freeman
) Courtroom 3, 5th Floor

GOOD CAUSE APPEARING, it is hereby ordered that Petitioner may have until October 24, 2015 to file with the Court and serve on respondent an opposition to respondent's motion to dismiss, and respondent shall file with the Court and serve on petitioner a reply within fourteen (14) days of the date any opposition is filed.

It is further ordered that the hearing on the motion to dismiss is reset to January 21, 2016 at 9:00 a.m.

IT IS SO ORDERED.

Dated: September 18, 2015

Beth Labson Freeman
BETH LABSON FREEMAN
United States District Judge