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7	UNITED STATES DISTRICT COURT	
8	SOUTHERN DISTRICT OF CALIFORNIA	
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10	LOUIS JESUS COMADURAN,	Case No. 09cv869 BTM(AJB)
11	Petitioner, v.	ORDER SETTING BRIEFING AND HEARING ON RULE 60(b) MOTION
12		HEARING ON RULE 60(b) MOTION AND ORDERING RESPONDENT TO PROVIDE COPIES OF
13	KEN CLARK, WARDEN,	LODGMENTS
14	Respondent.	
15	Petitioner's objections to the Magistrate Judge's Report and Recommendation ("R&R")	
16 17	were originally due on April 9, 2010. At the end of April, the Court received a motion by	
17	Petitioner to extend the time for filing objections. In an order filed on May 3, 2010, the Court	
19	granted Petitioner's motion and extended the deadline for filing objections to June 1, 2010.	
20	By June 23, 2010, the Court had not received any objections and issued an order adopting	
21	the R&R and denying the Petition. On July 6, 2010, the Court received from Petitioner a	
22	motion for extension of time to file objections to the R&R and a request for a copy of the	
23	records lodged by Respondent. In his motion, Petitioner explains that he never received	
24	a copy of the Court's May 3, 2010 order and v	vas, therefore, unaware of the June 1 deadline.
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26	The Court notes that there does appear to be some sort of issue with respect to the	
27	amount of time it takes for mail to be delivered to and from the institution where Petitioner is housed. Petitioner's proof of service of the most recent motion for an extension of time is	
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dated June 10, 2010. The envelope containing Petitioner's motion was postmarked June 14,
 2010 in Bakersfield, California. The Court did not receive the mailing until July 6, 2010.

The Court construes Petitioner's motion for an extension of time as a motion under
Fed. R. Civ. P. 60(b) to set aside the judgment. Petitioner may file his objections to the R&R
in support of the Rule 60(b) motion on or before September 20, 2010. Respondent may file
a reply on or before October 4, 2010. The Court sets the motion for hearing on October 8,
2010 at 11:00 a.m. Unless otherwise directed by the Court, there shall be no oral argument,
and no personal appearances are necessary.

9 The Court also **GRANTS** Petitioner's request for copies of Respondent's lodgments.
10 The Court **ORDERS** Respondent to provide Petitioner with a copy of the lodgments on or
11 before **August 16, 2010**.

12 IT IS SO ORDERED.

DATED: July 12, 2010

Luny Ted morkout

Honorable Barry Ted Moskowitz United States District Judge