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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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|---------------------------|---|------------------------|------------------|
| JAMES JEREMY BRISCOE, |) | CASE NO. | C09-1847-RSL-MAT |
| |) | | (CR-07-218-RSL) |
| Petitioner, |) | | |
| |) | | |
| v. |) | ORDER GRANTING | |
| |) | RESPONDENT’S MOTION TO | |
| UNITED STATES OF AMERICA, |) | SUPPLEMENT THE RECORD | |
| |) | | |
| Respondent. |) | | |
| _____ |) | | |

13 Earlier the Court requested supplemental briefing from the parties on the question of
14 equitable tolling because “[o]n the present record, petitioner has shown neither diligence in
15 pursuing his rights nor that extraordinary circumstances stood in the way of filing his § 2255
16 motion.” (Dkt. 16, at 5.) Petitioner filed a supplemental brief (Dkt. 17), but respondent failed
17 to respond as directed with additional documentation. Respondent now moves to supplement
18 the record because its failure to respond was inadvertent. (Dkt. 18.)

19 The Court GRANTS respondent’s motion to supplement the record. (Dkt. 18.)
20 Petitioner has yet to state claims or to provide evidence that would suggest that equitable tolling
21 is warranted. He therefore will not be prejudiced by further development of the record and by
22 having an opportunity to reply to respondent’s submission. Respondent shall supplement the

ORDER GRANTING RESPONDENT’S
MOTION TO SUPPLEMENT THE RECORD
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01 record by no later than **September 30, 2010**. Respondent shall file an optional reply brief by
02 **October 15, 2010**. The Clerk is directed to renote the response to the § 2255 petition (Dkt. 8)
03 to **October 15, 2010**.

04 DATED this 20th day of September, 2010.

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07 Mary Alice Theiler
08 United States Magistrate Judge
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