

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRIAN HOWARD ELLIOTT,  
Petitioner,

v.

ELDON VAIL and WASHINGTON  
STATE DEPARTMENT OF  
CORRECTIONS,

Respondents

NO. C11-5377 BHS/KLS

ORDER GRANTING  
RESPONDENT'S MOTION FOR  
EXTENSION OF TIME TO FILE  
ANSWER

Before the Court is Respondent's Motion for Extension of Time to File an Answer to  
Petition for Writ of Habeas Corpus. ECF No. 13. Respondent's Answer is currently due on  
August 1, 2011. Respondent requests a forty-five day extension of time until September 14,  
2011 to allow counsel sufficient time to review and prepare the relevant state court record. *Id.*  
When counsel for Respondent filed his motion, he had received some but not all of the state  
court record. In addition, counsel will be on pre-scheduled military leave out of state from  
August 7 to August 21, 2011. Although the motion for extension is noted for August 12, 2011,  
the court finds that the request is reasonable.

Accordingly, it is **ORDERED:**

1. Respondent's motion for an extension of time (ECF No. 13) is **GRANTED.**  
Respondent shall file his Answer **on or before September 14, 2011.** The Answer will be  
treated in accordance with Local Rule CR 7. Accordingly, upon receipt of the Answer the

1 Clerk will note the matter for consideration on the fourth Friday after the answer is filed,  
2 Petitioner may file and serve a response not later than on the Monday immediately preceding  
3 the Friday appointed for consideration of the matter, and Respondent may file and serve a reply  
4 brief not later than the Friday designated for consideration of the matter.

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6 2. The Clerk shall send copies of this Order to Petitioner and counsel for  
7 Respondent.

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9 **DATED** this 11th day of August, 2011.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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