

1 BILL LOCKYER
Attorney General of the State of California
2 ROBERT R. ANDERSON
Chief Assistant Attorney General
3 MARY JO GRAVES
Senior Assistant Attorney General
4 JOHN G. McLEAN
Supervising Deputy Attorney General
5 DORIS A. CALANDRA
Deputy Attorney General
6 State Bar No. 124192
1300 I Street
7 P.O. Box 944255
Sacramento, CA 94244-2550
8 Telephone: (916) 324-5250
Fax: (916) 324-2960
9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 DAVID DANIEL CEPEDA,

Petitioner,

v.

15 BRAD ESPINOZA, Warden,

Respondent.

CIV-S-04-1899 WBS JFM P

DECLARATION AND ORDER
FOR EXTENSION OF TIME

18 DORIS A. CALANDRA declares under penalty of perjury as follows:

19 I am a Deputy Attorney General of the State of California assigned to prepare and file
20 an Answer in the instant matter. The Answer is due on July 16, 2005. No previous extensions of
21 time have been granted to prepare the Answer.

22 In the last thirty days, the undersigned has filed Appellee's Brief in *Cecrle v. Terhune*,
23 04-16822, and the People's Informal Response in *In re Runquist*, S129316. I have also assisted in
24 the preparation of Respondent's Brief on the Merits in *People v. Wells*, S128640.

25 I have obtained from the California Supreme Court the petitions for writ of habeas
26 corpus pertaining to three of Petitioner's claims in this Court. Petitioner has included in his second
27 amended petition a claim not related to either former unconsolidated petition in this Court, which
28 addresses solely his probation revocation hearing and not his state convictions. That new claim must

1 be evaluated and addressed by our Correctional Law Section. The procedural history of these
2 petitions and Petitioner's inclusion of claims beyond those authorized by this Court's March 8, 2005,
3 order requires an extension of time to prepare our Answer.

4 I am requesting a sixty-day extension of time because I will be out of the office for
5 three weeks in August.

6 In view of the foregoing, your Declarant requests a sixty-day extension of time to and
7 including September 14, 2005, in which to file an Answer on behalf of Respondent.

8 Dated: July 14, 2005

Respectfully submitted,

9
10 BILL LOCKYER
Attorney General of the State of California

11 ROBERT R. ANDERSON
Chief Assistant Attorney General

12 MARY JO GRAVES
Senior Assistant Attorney General

13 JOHN G. McLEAN
Supervising Deputy Attorney General

14
15 /s/ Doris A. Calandra

16 DORIS A. CALANDRA
Deputy Attorney General
17 Attorneys for Respondent

18 DAC:lms
19 SA2002FH0022

20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Respondent has filed a request to modify the briefing schedule. GOOD CAUSE APPEARING, it is hereby ordered that:

1. Respondent's July 14, 2005 motion is granted.
2. Respondent shall file a response to the second amended petition for writ of habeas corpus within sixty days from the date of this order.
3. Petitioner's traverse, if any, shall be filed thirty days thereafter.

DATED: July 20, 2005.


UNITED STATES MAGISTRATE JUDGE

/cepe1899.ext