



Treadwell v. Fabian

2006 | Cited 0 times | D. Minnesota | August 23, 2006

ORDER

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (2000). In a Report and Recommendation dated July 31, 2006, the Honorable Jeanne J. Graham, United States Magistrate Judge, recommended that Petitioner be ordered to submit an amended petition and a legal memorandum; that Respondents be ordered to respond to Petitioner's submission; and that Respondents' motion to dismiss be denied. Respondents objected to the Report and Recommendation. Petitioner moved for a clarification and an extension of time. The Court has conducted a de novo review of the record. Based on that review, the Court adopts the Report and Recommendation.

As to Petitioner's motions, the Court denies them. The Report and Recommendation unambiguously sets forth the requirements that Petitioner must satisfy to proceed in this action. Petitioner must file and serve an amended petition and a legal memorandum on or before November 1, 2006. This deadline affords Petitioner ample time-more than two months-to comply. The Court therefore concludes that an extension of time is not warranted.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Petitioner shall serve and file an amended § 2254 petition for writ of habeas corpus and a legal memorandum in accordance with the Report and Recommendation on or before November 1, 2006.
2. Respondents shall respond to Petitioner's submission within forty-five (45) days of service.
3. Respondents' Motion to Dismiss [Docket No. 4] is DENIED.
4. Petitioner's Motion for Court Clarification [Docket No. 12] is DENIED.
5. Petitioner's Motion for Extension of Time [Docket No. 13] is DENIED.

