UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DE'ANTE WHITAKER, Petitioner, v. HORN, Respondent.	No. 2:25-cv-0747 TLN CSK ORDER

Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the Court is petitioner's motion for a fourteen day extension of time to file objections to the findings and recommendations filed November 21, 2025. (ECF No. 21.) For the following reasons, petitioner's motion for extension of time is granted.

On November 21, 2025, this Court recommended that 1) respondent's motion to dismiss the petition as mixed be granted; 2) petitioner's motion to stay this action be denied; and 3) petitioner be granted thirty days to file an amended petition raising only his exhausted claims. (ECF No. 20.) Petitioner was granted fourteen days from November 21, 2025 to file objections to the findings and recommendations. (Id.) In the pending motion for extension of time, filed on December 29, 2025, petitioner states that he could not file timely objections because his prison was on modified program with very limited movement. (ECF No. 21 at 1.) Petitioner also states

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that his law library appointment was cancelled and that it took eleven days for the November 21, 2025 findings and recommendations to reach petitioner. (Id.) Good cause appearing, petitioner's motion for a fourteen day extension of time to file objections is granted.

The docket entry for petitioner's pleading filed December 29, 2025 indicates that it contains a motion to stay in addition to a motion for extension of time to file objections. (ECF No. 21.) While the caption of petitioner's pleading filed December 29, 2025 states "Motion to Stay," this pleading does not contain a motion to stay. (Id.) Instead, petitioner appears to refer to the motion to stay addressed in the November 21, 2025 findings and recommendations. For this reason, no order will issue addressing the "Motion to Stay" referred to in the caption of petitioner's pleading filed December 29, 2025.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motion for an extension of time (ECF No. 21) is granted;

2. Petitioner is granted fourteen days from the date of this order to file objections to the findings and recommendations filed November 21, 2025; and

3. No order will issue addressing the "Motion to Stay" referred to in the caption of petitioner's pleading filed December 29, 2025. (ECF No. 21.)

Dated: January 6, 2026

CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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