

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No. 5:24-cv-02552-SSS & 5:21-cr-00170-SSS-2 Date February 12, 2025

Title *Carl Bradley Johannson v. United States of America*
United States of America v. Carl Bradley Johansson

Present: The Honorable SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE

Irene Vazquez
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

**Proceedings: (IN CHAMBERS) ORDER DENYING THE
GOVERNMENT’S *EX PARTE* APPLICATION FOR
EXTENSION OF TIME TO FILE ANSWER [DKT. 6] AND
CONTINUING THE BRIEFING SCHEDULE**

The government applies *ex parte* for an order extending time to file the government’s opposition to Petitioner’s habeas petition. [Dkt. 6].

Ex parte relief is justified if the applying party can show that “(1) there is a threat of immediate or irreparable injury; (2) there is danger that notice to the other party may result in the destruction of evidence or the party’s flight; or (3) the party seeks a routine procedural order that cannot be obtained through a regularly noticed motion (i.e., to file an overlong brief or shorten the time within which a motion may be brought).” *United States v. Overby*, No. 5:23-cr-00151-SSS (C.D. Cal. Oct. 27, 2023) (quoting *Horne v. Wells Fargo Bank, N.A.*, 969 F. Supp. 2d 1203, 1205 (C.D. Cal. 2013)). “An applying party must also show that ‘it is without fault in creating the crisis that requires *ex parte* relief, or that the crisis occurred as a result of excusable neglect.’” *Id.* at 5-6 (quoting *Mission Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995)).

Here, the government does not cite to the *ex parte* standard and, as such, cannot and does not explain why it is entitled to *ex parte* relief. For these reasons,

the ex parte application is **DENIED**. The government is reminded that ex parte relief is not awarded as of right, in future applications, the government must explain why it is entitled to such relief.

Considering the facts of this case, the Court, on its own motion, continues the deadline for the government's opposition brief to April 11, 2025 and Petitioner's reply brief to May 16, 2025.

IT IS SO ORDERED.