

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lance Ian Osband v. Jason Schultz

Osband · No. 2:97-cv-0152 KJM CSK · Decided April 23, 2025

SUMMARY

The United States District Court for the Eastern District of California granted petitioner Lance Ian Osband’s seventeenth motion for a sixty-day extension of time to file objections to findings and recommendations. The court also granted a request to seal a confidential declaration and directed the Clerk to substitute Acting Warden Jason Schultz as respondent.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 23, 2025
DOCKET	2:97-cv-0152 KJM CSK
DISPOSITION	other
PROCEDURAL POSTURE	The court considered petitioner’s unopposed seventeenth motion for a thirty-day extension of time to file objections to findings and recommendations, a request to seal a confidential supporting declaration, and the need to substitute the current acting warden as respondent.
STANDARD OF REVIEW	Good-cause standard for an extension of time and for sealing the confidential declaration.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Lance Ian Osband v. Jason Schultz, Acting Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- civil procedure

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether good cause supported extending the deadline for petitioner to file objections to the findings and recommendations.
2. Whether good cause supported sealing the confidential declaration submitted in support of the extension motion.
3. Whether the court should substitute the petitioner's current immediate custodian, Acting Warden Jason Schultz, as respondent.

HOLDINGS

1. Good cause existed to grant petitioner a sixty-day extension of time to file objections to the findings and recommendations.
2. The confidential declaration submitted in support of the extension motion should be filed under seal because good cause appeared.
3. Acting Warden Jason Schultz was properly substituted as respondent for former California State Prison-Sacramento Warden Jeff Lynch because the proper respondent in a federal habeas petition is the petitioner's immediate custodian.

FACTUAL BACKGROUND

Petitioner sought additional time to file objections to findings and recommendations in this federal habeas proceeding. Counsel cited a recent computer-hacking incident occurring after the extension motion was filed, and petitioner also submitted a confidential declaration in support of the request. Jason Schultz had become the acting warden at California State Prison-Sacramento, replacing former warden Jeff Lynch.

PROCEDURAL HISTORY

Petitioner filed a seventeenth motion seeking additional time to object to findings and recommendations filed September 8, 2023. After a remote status conference on April 22, 2025, the court granted a sixty-day extension, sealed the supporting confidential declaration, and substituted Acting Warden Jason Schultz for former warden Jeff Lynch as respondent.

DISPOSITION

other

CASES CITED

- *Brittingham v. United States*, 982 F.2d 378, 379 (9th Cir. 1992)

OPINION

(HC) (DP) Osband v. Schultz

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 LANCE IAN OSBAND, No. 2:97-cv-0152 KJM CSK

12 Petitioner,

13 v. DEATH PENALTY CASE

14 JASON SCHULTZ, ACTING WARDEN, ORDER

15 Respondent.1 16 17 On April 22, 2025, a remote status conference was held before this Court
regarding 18 petitioner's seventeenth and unopposed motion for a thirty-day extension of time to
file 19 objections to the findings and recommendations filed September 8, 2023. (ECF Nos. 707,
757.) 20 Assistant Federal Defender Brian Abbington and attorney Tim Brosnan appeared on
behalf of 21 petitioner. Deputy Attorney General Erin Doering appeared on behalf of respondent.
At the time 22 petitioner filed the pending motion, petitioner did not anticipate filing further
requests for 23 extensions of time to file objections. (See ECF No. 757.) For the reasons stated at
the remote 24 hearing, including Mr. Brosnan's recent computer hacking experience that occurred
after the 25 1 The pending motion for extension of time indicates that Jason Schultz is now Acting
Warden at 26 California State Prison-Sacramento. Accordingly, the Clerk of the Court is directed
to substitute 27 Acting Warden Jason Schultz as respondent for former California State Prison-
Sacramento Warden Jeff Lynch. See *Brittingham v. United States*, 982 F.2d 378, 379 (9th Cir.
1992) (stating 28 that the proper respondent in a federal habeas petition is petitioner's immediate
custodian). 1 | extension motion was filed, this Court found good cause and granted petitioner a
sixty-day 2 || extension of time to file objections. Though it is not anticipated that any further
extensions will 3 || be sought by petitioner, petitioner shall notify the Court as soon as possible if
counsel determines 4 | that additional time is needed. 5 Petitioner, through counsel, also applied
for an order sealing a confidential declaration 6 || submitted to this Court in support of the motion
for extension of time to file objections. Good 7 || cause appearing, petitioner's request to seal the
confidential declaration is granted. 8 Good cause appearing, IT IS HEREBY ORDERED that: 9 1.
Petitioner's seventeenth motion for an extension of time (ECF No. 757) is granted; 10 2.
Petitioner's objections are due on or before June 23, 2025; 11 3. Petitioner's request to seal the
confidential declaration is granted; 12 4. The Clerk of the Court shall file under seal the
confidential declaration submitted by 13 || petitioner's counsel on April 10, 2025 in support of the
seventeenth motion for an extension of 14 | time to file objections; and 15 5. The Clerk of the
Court is directed to substitute Acting Warden Jason Schultz as 16 || respondent. 17 18 || Dated:
April 22, 2025 A aA 19 Aan Spe |

CHI SOO KIM

20 UNITED STATES MAGISTRATE JUDGE

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