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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re

JOEL ARRAZATE,

On Habeas Corpus.

F090911

(Kern Super. Ct. No. BF183494A)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDINGS; petition for writ of habeas corpus.

Joel Arrazate, in propria persona, for Petitioner.

Office of the State Attorney General, Sacramento, California, for Respondent.

-ooOoo-

Petitioner seeks permission to file a belated notice of appeal under the doctrine of constructive filing. (*In re Benoit* (1973) 10 Cal.3d 72, 81–82.) On December 23, 2025, this court issued an order providing the Attorney General with an opportunity to respond to the petition. The order stated that the Attorney General’s failure to file a response shall be deemed agreement that the petition be granted. The Attorney General did not respond and the time for doing so has passed.

Accordingly, we conclude petitioner is entitled to relief.

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\* Before Detjen, A.P.J., Peña, J. and Harrell, J.

### **DISPOSITION**

Petitioner is granted leave to file a notice of appeal on or before 60 days from the date of this order in Kern County Superior Court action No. BF183494A.

Let a writ of habeas corpus issue directing the Clerk of the Kern County Superior Court to file said request in its action No. BF183494A, to treat it as timely filed, and to proceed with the preparation of the record on appeal in accordance with the applicable rules of the California Rules of Court if the clerk of that court receives said request on or before 60 days of the date of this order.

This opinion is final forthwith as to this court.