

1 conviction relief was denied.¹

2 In his Petition, Petitioner names Charles L. Ryan as Respondent and the Arizona
3 Attorney General as an Additional Respondent. Petitioner raises four grounds for relief. In
4 Ground One, Petitioner asserts a violation of due process in connection with his criminal
5 proceedings and seeks to reopen his state criminal case. In Ground Two, Petitioner asserts
6 that he received the ineffective assistance of trial and appellate counsel in violation of the
7 Sixth Amendment. In Ground Three, he asserts that he was denied a fair trial in violation of
8 due process and that he was denied the effective assistance of counsel. In Ground Four, he
9 alleges that he received the ineffective assistance of appellate counsel regarding the issue of
10 his competence based on the failure to appoint an appropriate interpreter for him. The Court
11 will require Respondents to answer the Petition. 28 U.S.C. § 2254(a).

12 **III. Warnings**

13 **A. Address Changes**

14 Petitioner must file and serve a notice of a change of address in accordance with Rule
15 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other
16 relief with a notice of change of address. Failure to comply may result in dismissal of this
17 action.

18 **B. Copies**

19 Petitioner must serve Respondents, or counsel if an appearance has been entered, a
20 copy of every document that he files. Fed. R. Civ. P. 5(a). Each filing must include a
21 certificate stating that a copy of the filing was served. Fed. R. Civ. P. 5(d). Also, Petitioner
22 must submit an additional copy of every filing for use by the Court. LRCiv 5.4. Failure to
23 comply may result in the filing being stricken without further notice to Petitioner.

24 **C. Possible Dismissal**

25 If Petitioner fails to timely comply with every provision of this Order, including these
26 warnings, the Court may dismiss this action without further notice. See Ferdik v. Bonzelet,

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28 ¹ See <http://www.superiorcourt.maricopa.gov/docket/CriminalCourtCases/caseInfo.asp?caseNumber=CR2003-015606> (last visited Jan. 14, 2012).

1 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
2 comply with any order of the Court).

3 **IT IS ORDERED:**

4 (1) Petitioner's Application to Proceed *In Forma Pauperis* is **granted**. (Doc. 2.)

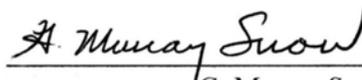
5 (2) The Clerk of Court must serve a copy of the Petition (Doc. 1) and this Order
6 on the Respondent and the Attorney General of the State of Arizona by certified mail
7 pursuant to Rule 4, Rules Governing Section 2254 Cases.

8 (3) Respondents must answer the Petition within 40 days of the date of service.
9 Respondents must not file a dispositive motion in place of an answer but may file an answer
10 limited to relevant affirmative defenses, including but not limited to, statute of limitations,
11 procedural bar, or non-retroactivity. If the answer is limited to affirmative defenses, only
12 those portions of the record relevant to those defenses need be attached to the answer.
13 Failure to set forth an affirmative defense in an answer may be treated as a waiver of the
14 defense. Day v. McDonough, 547 U.S. 198, 209-11 (2006). If not limited to affirmative
15 defenses, the answer must fully comply with all of the requirements of Rule 5 of the Rules
16 Governing Section 2254 Cases.

17 (4) Petitioner may file a reply within 30 days from the date of service of the
18 answer.

19 (5) This matter is referred to Magistrate Judge Mark E. Aspey pursuant to Rules
20 72.1 and 72.2 of the Local Rules of Civil Procedure for further proceedings and a report and
21 recommendation.

22 DATED this 15th day of January, 2013.

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25 _____
26 G. Murray Snow
27 United States District Judge
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