

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

THOMAS EARL EVANS,

CV F 07-00678 AWI DLB HC

Petitioner,

ORDER DIRECTING RESPONDENT TO  
SUBMIT ANSWER TO PETITION  
FOLLOWING WITHDRAWAL OF  
UNEXHAUSTED CLAIMS

JAMES TILTON,

### Respondent.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On February 4, 2008, the Court granted Petitioner's request to withdraw the unexhausted claims and denied Respondent's motion to dismiss the instant petition as a "mixed" petition containing both exhausted and unexhausted claims. (Court Doc. 18.) Accordingly, pursuant to Rule 4 of the Rules Governing Section 2254 Cases and Rule 16 of the Federal Rules of Civil Procedure, it is HEREBY ORDERED that:

1. Respondent is directed to file an answer to the petition within **forty-five (45)** days from the date of service of this order;
2. Petitioner may file a traverse within **thirty (30)** days from the date Respondent files his answer; and,
3. All other provisions of the Court's May 18, 2007, order to respond remain in full force and effect.

IT IS SO ORDERED.

Dated: February 6, 2008

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE