1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT 10 EASTERN DISTRICT OF CALIFORNIA 11 12 ANGEL MORALES HERNANDEZ, 1:08-cv-00254 LJO MJS HC 13 Petitioner, ORDER STRIKING PETITIONER'S MOTION TO OBJECTION 14 [Doc. 55] ٧. 15 ORDER STRIKING PETITIONER'S MOTION TO RESPONSE TO COURT ORDER 16 DERRAL G. ADAMS, 17 [Doc. 60] Respondent. 18 19 Petitioner is a state prisoner proceeding pro se with a Petition for Writ of Habeas 20 Corpus pursuant to 28 U.S.C. § 2254. 21 On February 9, 2009 Respondent filed a motion to dismiss that was ultimately denied by order of this Court on March 19, 2010. (Mot. to Dismiss, ECF No. 18; Order, ECF No. 52.) 22 23 On the same day that the order was issued, Respondent filed objections to the findings and 24 recommendations. (Obj. to Findings & Recommendation, ECF No. 53.) Petitioner filed a 25 motion to the objection. (Mot. to Obj., ECF No. 55.) 26 Petitioner's motion is not procedurally appropriate. Any disagreements with the 27 assertions made by Respondent in his objections may now be incorporated in Petitioner's 28 traverse to Respondent's Answer. (Answer, ECF No. 62.) Petitioner's motion to objections

shall be stricken, and will not be reviewed by this Court. Respondent need not respond to the motion.

Petitioner also filed a motion to this Court's order directing Respondent to file a response. (Order to Respond, ECF No. 57; Mot. to Order to Respond, ECF No. 60.) The order directed Respondent to file a response, and Respondent did so in the form of an answer on July 19, 2010. (Answer.) Petitioner was not required to respond to the order, and his motion to the order to respond was not procedurally appropriate. However, Petition may now respond to Respondent's answer by filing a traverse, or alternatively, a motion for extension of time to file the traverse. The Court shall strike the current motion. Respondent need not respond to the motion.

Accordingly, Petitioner's motion to objection and motion to order directing Respondent to file a response are stricken. [Docs. 55, 60.]

IT IS SO ORDERED.

ISI Michael J. Seng UNITED STATES MAGISTRATE JII Dated: August 26, 2010