

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS FRANCO,

Petitioner,

v.

NEIL H. ADLER, Warden,

Respondent.

1:09-cv-00325 OWW MJS HC

ORDER FOR RESPONDENT TO RE-SUBMIT MOTION TO DISMISS

ORDER TO TERMINATE MOTION TO DISMISS

[Docs. 21-27]

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On December 21, 2009, Respondent filed a motion to dismiss with five exhibits. However, each of the five “exhibits” submitted through the Court’s electronic case file system is merely a duplicate of the motion to dismiss itself. (See ECF Nos. 22-26.)

Respondent is ordered to re-submit and re-serve the motion to dismiss, with copies of the actual exhibits attached, within fifteen (15) days of this order. Petitioner shall have thirty (30) days from the date of re-service of Respondent’s motion in which to file a response.

Accordingly, it is hereby ORDERED that

1) Respondent’s motion to dismiss be terminated [Doc. 21];

2) Respondent re-submit his motion to dismiss within fifteen (15) days of service of this order; and

1 3) Petitioner is granted thirty (30) days from the date of re- service of Respondent's
2 motion in which to file a response.

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6 IT IS SO ORDERED.

7 Dated: July 16, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE