

1

2

3

4

5

6

7

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10 CARLOS FRANCO, } 1:09-cv-00325 OWW MJS HC
11 Petitioner, } ORDER FOR RESPONDENT TO RE-
12 v. } SUBMIT MOTION TO DISMISS
13 NEIL H. ADLER, Warden, } ORDER TO TERMINATE MOTION TO
14 Respondent. } DISMISS
15 [Docs. 21-27]

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

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

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

25 Accordingly, it is hereby ORDERED that

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

27 2) Respondent re-submit his motion to dismiss within fifteen (15) days of service of this
28 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.

3

4

5

6 IT IS SO ORDERED.

7 Dated: July 16, 2010

/s/ Michael J. Leng
UNITED STATES MAGISTRATE JUDGE

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28