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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**HENRY CARTWRIGHT,**  
Petitioner,  
  
v.  
**CONNIE GIPSON, Warden,**  
Respondent.

Case No. 1:13-cv-00463 AWI MJS (HC)

**ORDER DENYING PETITIONER'S MOTION  
TO GRANT PETITION FOR FAILURE OF  
RESPONDENT TO FILE ANSWER**

**(Doc. 40)**

**ORDER DIRECTING RESPONDENT TO  
RE-SERVE PETITIONER WITH ANSWER  
WITHIN 14 DAYS**

On March 29, 2013, Petitioner filed a petition for writ of habeas corpus. On December 24, 2014, the Court directed Respondent to file a response to the petition. (ECF No. 28.) After requesting two extensions of time, Respondent timely filed an answer with the Court on April 23, 2015. (ECF No. 38.) Respondent attached a proof of service to the answer stating that a copy of the answer was mailed to Petitioner on the date of filing. (Id. at 46.)

On May 26, 2015, Petitioner filed a motion requesting the petition be granted based on Respondent's failure to file a response to the petition. (ECF No. 40.) In the motion, Petitioner asserts that he did not receive a copy of the answer.

Based on the record before the Court, it appears that Respondent attempted service of the answer on Petitioner; however, Petitioner did not receive a copy of the

1 answer. Based on Respondent's filing of the answer with the Court and the attempted  
2 compliance with her duty to serve Petitioner with the answer, the motion to grant the  
3 petition is DENIED.

4 It is further ORDERED that Respondent re-serve Petitioner with a copy of the  
5 answer within fourteen (14) days of the issuance of this order. Petitioner shall have thirty  
6 (30) days from the date of service of the answer to file a traverse.

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8 IT IS SO ORDERED.

9 Dated: June 10, 2015

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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