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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD PHILLIPS,
Petitioner,
v.
DAVE DAVEY,
Respondent.

Case No. 1:14-cv-01068-LJO-SAB-HC
ORDER DENYING PETITIONER'S
MOTION REGARDING RESPONDENT
FILINGS
(ECF No. 30)

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

On January 22, 2015, Petitioner filed a motion asking the Court to order Respondent to electronically send to the Warden's Office at Corcoran State Prison all submissions by Respondent to the Court in this case. Petitioner states that it is typical for prisoners to receive their legal mail after a delay, whereas mail that comes directly from the Court is delivered much faster to the prisoners. Petitioner states that it took twelve (12) calendar days to receive Respondent's motion in the mail. Petitioner argues that if he is delayed in receiving Respondent's filing in this action, then he will lose a portion of his allotted time to respond to Respondent's filing, even up to 40% of the allotted time if there is another twelve (12) day delay.

Although it may be an inconvenience for Petitioner to wait to receive Respondent's filings in the mail, service by mail is an acceptable form of service pursuant to Federal Rules of

1 Civil Procedure 5(b)(2)(C). While electronic service is an option pursuant to Federal Rules of
2 Civil Procedure 5(b)(2)(E), it is Respondent's choice how to effect service, and at this time, the
3 Court finds that service by mail is appropriate in this case. In addition, if Petitioner needs more
4 time to file his response to Respondent's filing, he may request an extension of time.

5 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion to require Respondent
6 to send an electronic copy of Respondent's filings to the warden is DENIED.

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8 IT IS SO ORDERED.

9 Dated: January 26, 2015


UNITED STATES MAGISTRATE JUDGE

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