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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD ANTHONY PETERSON,

 Petitioner,

 v.

JOE LIZARRAGA, Warden of MCSP,

 Respondent.

Case No. 1:17-CV-01537-SKO HC

ORDER GRANTING PETITIONER'S
MOTION TO STRIKE

ORDER STRIKING PETITIONER'S
NOTICE OF FAILURE TO RESPOND BY
THE CALIFORNIA ATTORNEY GENERAL

(Docs. 19, 20)

Petitioner, Richard Anthony Peterson, is a state prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 19, 2017, United States Magistrate Judge Gregory G. Hollows ordered Petitioner to file his petition for writ of habeas corpus within 60 days and Respondent to file a response within 60 days from the date the petition is filed. (Doc. 11.)

On October 30, 2017, Petitioner filed his petition for writ of habeas corpus in the Sacramento Division of the United States District Court for the Eastern District of California. (Doc. 14.) On November 17, 2017, Judge Hollows transferred the case to the Fresno Division of the court because Petitioner was convicted in the Superior Court for Kern County. (Doc. 17.)

On November 30, 2017, Petitioner filed a document titled "Notice of Failure to Respond by California State Attorney General" ("Notice"). (Doc. 19.) In the Notice, Petitioner states that although 30 days have passed since he filed his petition, Respondent has failed to respond. *Id.* On December 11, 2017, Petitioner filed a "Request to Withdraw Notice of Nonresponse" ("Request to

1 Withdraw”), because he misread Judge Hollow’s Order, which allows Respondent 60 days to
2 respond to the petition. (Doc. 20.) The Court will interpret the Request to Withdraw as a Motion to
3 Strike the Notice.

4 The Court will GRANT the Motion to Strike (Doc. 20), because Respondent has until
5 **January 2, 2018**, to file a response to Petitioner’s petition. Accordingly, the Court will STRIKE the
6 Notice. (Doc. 19.)

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9 IT IS SO ORDERED.

10 Dated: **December 12, 2017**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE