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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE LUIS KELLY CUEVAS,
Petitioner,
v.
J. SULLIVAN,
Respondent.

Case No. 1:18-cv-01281-LJO-JDP

ORDER SETTING NEW BRIEFING
SCHEDULE

Petitioner Jose Luis Kelly Cuevas, a state prisoner proceeding without counsel, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Cuevas filed his petition on September 10, 2018. ECF No. 8. On November 26, 2018, respondent filed a motion to dismiss. ECF No. 19. On December 17, 2018, petitioner filed an opposition to respondent’s motion to dismiss, ECF No. 24, and respondents replied on December 24, 2018. ECF No. 25. On August 19, 2019, I issued findings and recommended that the respondent’s motion to dismiss be denied. ECF No. 28. On September 3, 2019, respondent filed objections to the findings and recommendations. ECF No. 32. On September 11, 2019, this court issued an order adopting the findings and recommendations and denying respondent’s motion to dismiss. ECF No. 33. No further briefs have been filed in this case. I (1) order the respondent to file an answer to the petition and (2) set a new briefing schedule.

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Order

1. Within sixty days of the date of service of this order, respondent must file an answer to the petition. Any argument by respondent that petitioner has procedurally defaulted on a claim must be raised in the answer, which must also address the merits of petitioner's claims.
2. Within sixty days of the date of service of this order, respondent must file all transcripts and other documents necessary for resolving the issues presented in the petition, if not already filed by respondent. *See* R. Governing § 2254 Cases, Rule 5(c).
3. Petitioner may file a traverse within thirty days of the date of service of respondent's answer. If no traverse is filed within thirty days, the petition and answer will be deemed submitted.

If any party requires additional time, that party should file a motion for amendment of the schedule before a deadline has passed and explain in detail why the party cannot comply with this schedule.

IT IS SO ORDERED.

Dated: October 31, 2019


UNITED STATES MAGISTRATE JUDGE

No. 206