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

MARK D. FOLEY,

Petitioner,

No. 2:01-cv-0714-MCE-JFM (HC)

vs.

JAMES ROWLAND, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding through counsel with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner’s application was denied by order filed August 18, 2004. Judgment was entered on the same day.

On March 4, 2010, petitioner filed, in propria persona, a letter concerning the disposition of this action. By order filed March 30, 2010, the Clerk of the Court was directed to send a copy of the letter filed by petitioner on March 4, 2010 to petitioner’s counsel of record and to serve a copy of this order on petitioner at the address on the March 4, 2010 letter.

On August 2, 2010, petitioner filed another letter in propria persona. Therein, petitioner claims that his attorney never notified him of the denial of his petition nor has the attorney ever explained his failure to communicate the denial to petitioner. Petitioner now requests that the court order his attorney to (1) show proof that he notified petitioner of the denial

1 of the writ; (2) to establish good cause for his failure to notify petitioner of said denial; (3) to
2 send petitioner a copy of the court docket and all trial and other transcripts “involved” in his
3 habeas corpus action.

4 After review of the record herein, and good cause appearing, the court will direct
5 the Clerk of the Court to serve a copy of petitioner’s August 2, 2010 letter on petitioner’s counsel
6 of record and will direct counsel for petitioner to respond to petitioner’s letter within thirty days
7 and to file a copy of said response in this action.

8 In accordance with the above, IT IS HEREBY ORDERED that:

9 1. Petitioner’s August 2, 2010 requests are granted in part;

10 2. The Clerk of the Court is directed to serve a copy of petitioner’s August 2,
11 2010 letter by U.S. Postal Mail on Mark David Greenberg, Esq., Law Office of Mark D.
12 Greenberg, P.O. Box 429, 484 Lake Park Avenue No. 429, Oakland, CA 94610;

13 3. Counsel for petitioner shall respond to petitioner’s August 2, 2010 letter within
14 thirty days from the date of this order and shall file a copy of said response in this action.

15 DATED: January 27, 2011.

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18 UNITED STATES MAGISTRATE JUDGE

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