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

JOSHUA MARK GILMORE,

Petitioner,

No. CIV S-04-2395 GEB KJM P

vs.

EDWARD S. ALAMEIDA,

Respondent.

ORDER

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Petitioner has filed an amended application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee. Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to petitioner’s application.

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

1. The stay imposed in this matter on April 8, 2005 is lifted;
2. Respondent is directed to file a response to petitioner’s habeas petition within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer shall be accompanied by all transcripts and other documents relevant to the issues presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

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1           3. If the response to the habeas petition is an answer, petitioner's reply, if any,  
2 shall be filed and served within thirty days after service of the answer;

3           4. If the response to the habeas petition is a motion, petitioner's opposition or  
4 statement of non-opposition to the motion shall be filed and served within thirty days after  
5 service of the motion, and respondent's reply, if any, shall be filed and served within fifteen days  
6 thereafter; and

7           5. The Clerk of the Court shall serve a copy of this order together with a copy of  
8 the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell,  
9 Senior Assistant Attorney General.

10 DATED: December 1, 2006.

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13 U.S. MAGISTRATE JUDGE

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