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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN LEE VARNUM,
Petitioner,
v.
RICHARD KIRKLAND,
Respondent.

No. 2:04-cv-2659 GEB CKD P (TEMP)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. On December 16, 2008, United States Magistrate Judge Charlene H. Sorrentino issued findings and recommendations which recommended that petitioner’s habeas petition be denied. By order dated January 21, 2009, those findings and recommendations were adopted by the assigned district judge and judgment was entered accordingly. Subsequently, a certificate of appealability was issued by the district court on petitioner’s claim that his confession was unconstitutionally admitted into evidence at his trial.

Petitioner filed a timely notice of appeal and a request for the appointment of counsel. His request for counsel was granted and counsel was appointed to represent him. The United States Court of Appeals for the Ninth Circuit denied petitioner’s appeal by order dated April 29, 2011.

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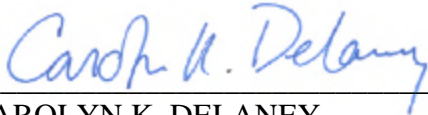
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On August 19, 2015, petitioner filed a motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b). Good cause appearing, respondent will be ordered to file a response to that motion within thirty days.

Accordingly, IT IS ORDERED that:

1. Respondent shall file a response to petitioner’s August 19, 2015 motion for relief from judgment within thirty days from the date of this order.
2. Petitioner may file a reply to respondent’s response within fourteen days from the filing of the response.

Dated: November 24, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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