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United States District Court
Eastern District of California

Shayne Kyle Terry,

Petitioner,

vs.

Mark Shepherd,

Respondent.

No. Civ. S 05-1866 LKK PAN P

Order

-oOo-

Petitioner, a state prisoner proceeding without counsel, seeks a writ of habeas corpus. See 28 U.S.C. § 2254. Petitioner has paid the filing fee.

A judge "entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. Petitioner may be entitled to relief.

1 I therefore direct respondent to respond to petitioner's
2 application within 60 days from the date of this order. See Rule
3 4, Fed. R. Governing § 2254 Cases. An answer shall be
4 accompanied by any and all transcripts or other documents
5 relevant to the determination of the issues presented in the
6 application. See Rule 5, Fed. R. Governing § 2254 Cases.
7 Petitioner's reply, if any, shall be filed and served within 30
8 days of service of an answer. If the response to petitioner's
9 application is a motion, petitioner's opposition or statement of
10 non-opposition shall be filed and served within 30 days of
11 service of the motion, and respondents' reply, if any, shall be
12 filed within 15 days thereafter. The Clerk of the Court shall
13 serve a copy of this order together with a copy of petitioner's
14 September 15, 2005, petition for a writ of habeas corpus pursuant
15 to 28 U.S.C. § 2254 on Jo Graves, Senior Assistant Attorney
16 General for the State of California.

17 Dated: September 22, 2005.

18 /s/ Peter A. Nowinski

19 PETER A. NOWINSKI
20 Magistrate Judge
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