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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HERMAN GARCIA SANDOVAL,)	
)	
Petitioner,)	CASE NO. 2:07-cv-00004-RSM-JLW
)	
v.)	
)	
MIKE MARTEL, Warden,)	ORDER DIRECTING RESPONDENT
)	TO LODGE STATE COURT RECORD
Respondent.)	AND NOTICE OF SANCTIONS
_____)	

Petitioner is a state prisoner proceeding *pro se* with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Order filed March 1, 2010, respondent was directed to file an answer to the second amended petition within forty-five days from the date petitioner filed his amended petition. (*See* Docket 37 at 2.) Petitioner timely filed his second amended petition on March 29, 2010. (*See* Dkt. 38.) Counsel for respondent failed to file a response within the forty-five day period provided by this Court’s Order.

01 After directing counsel to file an answer and to show cause why sanctions should not
02 be imposed for failure to comply with this Court’s March 1, 2010 Order, counsel for
03 respondent filed an answer on the fourteenth day of this Court’s fourteen-day deadline. (*See*
04 Dkt. 40 and 41.) He failed, however, to lodge the state court record with the answer.

05 The Court finds such failure inexcusable. Counsel for respondent has been directed
06 repeatedly to comply with this Court’s rules and orders. In fact, he was specifically directed
07 to comply with Rule 5 of the Rules governing Section 2254 Cases in the Court’s February 26,
08 2010, Order. (*See* Dkt. 37.) Counsel for respondent went so far as to specifically
09 acknowledge the relevance of the state court’s record in the answer by citing it and stating
10 that relevant transcripts would be filed with the Answer. (*See* Dkt. 41 at 3.) No such
11 documents have been lodged with the court, in violation of Rule 5, above, and Local Rule
12 190(f). *See* Local Rule 190(f) (requiring state court habeas transcripts, if filed in paper, be
13 filed concurrently with the filing of a Notice of Filing in Paper Format).

14 Counsel for respondent’s delays and failure to comply with this Court’s rules and
15 orders has prevented this Court from expeditiously addressing the merits of the second
16 amended petition. Counsel for respondent is therefore apprised that failure to timely comply
17 with this Order will result in the imposition of monetary and/or other sanctions. *See* Local
18 Rule 110 (“Failure of counsel or of a party to comply with these Rules or with any order of
19 the Court may be grounds for imposition by the Court of any and all sanctions authorized by
20 statute or Rule or within the inherent power of the Court.”). No further admonitions will be
21 given.

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