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

ELL JONES,

Petitioner,

No. CIV S-07-0404 GEB EFB P

vs.

M. KNOWLES, et al.,

Respondents.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding without counsel, seeks a writ of habeas corpus. See 28 U.S.C. § 2254. Petitioner seeks leave to proceed *in forma pauperis*. See 28 U.S.C. § 1915(a).

Examination of the *in forma pauperis* affidavit reveals that petitioner is unable to afford the costs of suit.

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. The court cannot determine at this time whether petitioner entitled to relief.

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1 Accordingly, it is hereby ordered that:

2 1. Petitioner's request for leave to proceed *in forma pauperis* is granted;

3 2. Respondent shall file and serve a response to petitioner's application and request to  
4 stay this action and hold this matter in abeyance within 30 days from the date of this order. *See*  
5 Rule 4, Fed. R. Governing § 2254 Cases. An answer shall be accompanied by any and all  
6 transcripts or other documents relevant to the determination of the issues presented in the  
7 application. *See* Rule 5, Fed. R. Governing § 2254 Cases.

8 3. Petitioner's reply, if any, shall be filed and served within 30 days of service of an  
9 answer;

10 4. If the response to petitioner's application is a motion, petitioner's opposition or  
11 statement of non-opposition shall be filed and served within 30 days of service of the motion,  
12 and respondents' reply, if any, shall be filed within 15 days thereafter.

13 5. The Clerk of the Court shall serve a copy of this order together with a copy of  
14 petitioner's February 28, 2007, petition for a writ of habeas corpus (with any and all  
15 attachments) and the request to stay this action and hold it in abeyance on Michael Patrick  
16 Farrell, Senior Assistant Attorney General for the State of California.

17 Dated: March 14, 2007.

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19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
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