

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

KEVIN G. REID,

Petitioner,

No. CIV S-07-1409 LKK DAD P

vs.

D.K. SISTO, et al.,

Respondents.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner incarcerated at California State Prison- Solano and proceeding through counsel, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In 1981, petitioner was convicted in the Contra Costa Superior Court of second degree murder with an enhancement for using a weapon. In this action, petitioner is challenging the governor’s 2005 reversal of the Parole Board’s decision granting petitioner parole. Petitioner has paid the filing fee.

Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner’s application.

////  
////

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

2 1. Respondents are directed to file a response to petitioner's application within  
3 thirty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer  
4 shall be accompanied by any transcripts and other documents relevant to the issues presented in  
5 the petition not previously filed or lodged by respondent in this action. See Rule 5, Fed. R.

6 Governing § 2254 Cases;

7 2. If the response to petitioner's petition is a motion, the motion shall be noticed  
8 and briefed in accordance with Local Rule 78-230(b), (c) and (d);

9 3. If the response to petitioner's petition is an answer, petitioner's reply to the  
10 answer shall be filed and served within thirty days after the answer is served; any motion for an  
11 evidentiary hearing shall be filed and served by petitioner concurrently with his reply to the  
12 answer; and

13 4. All motions shall be noticed for hearing before the undersigned on a regularly  
14 scheduled law and motion calendar. Parties may appear at the hearing telephonically; to arrange  
15 telephonic appearance, the party shall contact Pete Buzo, the courtroom deputy of the  
16 undersigned magistrate judge, at (916) 930-4128 no later than three days prior to the hearing.

17 5. The Clerk of the Court shall serve a copy of this order together with a copy of  
18 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Michael  
19 Patrick Farrell, Senior Assistant Attorney General.

20 DATED: July 26, 2007.

21  
22   
23 \_\_\_\_\_  
24 DALE A. DROZD  
25 UNITED STATES MAGISTRATE JUDGE  
26

24 DAD/bb/4  
25 reid1409.100f