

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

JACK McGAREY,

Petitioner, No. CIV S-07-2430 GEB KJM F

VS.

D.K. SISTO, Warden,

Respondent. ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. 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.

In accordance with the above, IT IS HEREBY ORDERED that

1. Respondents are directed to file a response to petitioner's application within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer shall be accompanied by any and all transcripts or other documents relevant to the determination of the issues presented in the application. See Rule 5, Fed. R. Governing § 2254 Cases. . . Because this petition challenges a denial of parole, the relevant documents should include the

1 transcript of the January 5, 2006 parole hearing and any documents, reports or letters considered
2 by the panel;¹

3 2. Petitioner's reply, if any, shall be filed and served within thirty days of service
4 of an answer;

5 3. If the response to petitioner's application is a motion, petitioner's opposition
6 or statement of non-opposition shall be filed and served within thirty days of service of the
7 motion, and respondents' reply, if any, shall be filed within fifteen days thereafter; and

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

11 DATED: February 4, 2008.



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14 U.S. MAGISTRATE JUDGE

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25 1 If respondent agrees that the exhibits attached to the petition are true and correct copies
26 of the transcript of the hearing and all the materials considered by the panel, he need not provide an
additional copy of the record, but rather may note his acceptance of the record in his answer.