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

DAVID BERTAGNA,
Petitioner,

No. CIV S-08-0049-LEW-CMK-P

vs.

ORDER

D.K. SISTO, et al.,
Respondents.

_____ /

Petitioner, a state prisoner proceeding with retained counsel, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s petition for a writ of habeas corpus (Doc. 1), filed on January 7, 2008.

The court has examined the petition as required by Rule 4 of the Federal Rules Governing Section 2254 Cases. It does not plainly appear from the petition and any attached exhibits that petitioner is not entitled to relief. See id. Respondents, therefore, will be directed to file a response to petitioner’s petition. See id. If respondents answer the petition, such answer must comply with Rule 5 of the Federal Rules Governing Section 2254 Cases. Specifically, an answer shall be accompanied by any and all transcripts or other documents relevant to the determination of the issue(s) presented in the petition. See id.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Respondents are directed to file a response to petitioner's petition within
3 30 days from the date of service of this order;

4 2. Petitioner's traverse or reply (if respondents file an answer to the petition),
5 if any, or opposition or statement of non-opposition (if respondents file a motion in response to
6 the petition) shall be filed and served within 30 days of service of respondents' response; and

7 3. The Clerk of the Court shall serve a copy of this order, together with a
8 copy of petitioner's petition for a writ of habeas corpus on Michael Patrick Farrell, Senior
9 Assistant Attorney General.

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11 DATED: January 14, 2008

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13 **CRAIG M. KELLISON**
14 UNITED STATES MAGISTRATE JUDGE
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