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

WESLEY W. HUNTER,

Petitioner,

No. CIV S-08-1460 DAD P

vs.

JAMES TILTON, et al.,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed a second amended petition for a writ of habeas corpus in accordance with this court’s December 10, 2008 order.

Since petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to petitioner’s second amended petition.

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

1. Respondent is directed to file a response to petitioner’s December 24, 2008 second amended petition within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer shall be accompanied by all transcripts and other documents relevant to the issues presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

1 2. If the response to the habeas petition is an answer, petitioner's reply, if any,
2 shall be filed and served within thirty days after service of the answer;

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

7 4. The Clerk of the Court shall serve a copy of this order, a copy petitioner's
8 December 24, 2008 second amended petition, and a copy of the form regarding consent or
9 request for reassignment on Michael Patrick Farrell, Senior Assistant Attorney General.

10 DATED: January 7, 2009.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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