

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

10 JEFFREY J. BIGGS,

Petitioner, Civ. No. S-08-1918 KJM P

VS.

13 S.R. MOORE, Warden, et al.,

## Respondents. ORDER

16 Petitioner, a state prisoner proceeding with counsel, has filed a petition for a writ  
17 of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma  
18 pauperis.

19 Examination of the in forma pauperis application reveals that petitioner is unable  
20 to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be  
21 granted. See 28 U.S.C. § 1915(a).

22 Since petitioner may be entitled to relief if the claimed violation of constitutional  
23 rights is proved, respondents will be directed to file a response to petitioner's habeas petition.

In accordance with the above, IT IS HEREBY ORDERED that

1. Petitioner's application to proceed in forma pauperis is granted;

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1                   2. Respondents are directed to file a response to petitioner's habeas petition  
2 within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An  
3 answer shall be accompanied by all transcripts and other documents relevant to the issues  
4 presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases. However, it appears  
5 that counsel for petitioner has attached the transcripts and materials relevant to the issues in this  
6 case. If respondent believes that the materials provided for by petitioner are complete and  
7 sufficient, he may say so in the answer and need not provide duplicates;

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

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

14                  4. The Clerk of the Court shall serve a copy of this order, the  
15 consent/reassignment form contemplated by Appendix A(k) to the Local Rules of this court, and  
16 a copy of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Jennifer Neill,  
17 Senior Assistant Attorney General.

18 DATED: January 21, 2009.



U.S. MAGISTRATE JUDGE

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