

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

AUBREY L. LOVE,

Petitioner,

Civ. No. S-08-2056 KJM P

VS.

D.K. SISTO, Warden, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition 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 relief if the claimed violation of constitutional 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. Respondents are directed to file a response to petitioner's habeas 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. Because this petition challenges a denial of parole, the relevant documents should include the transcript of the

November 8, 2007 parole hearing¹ and any documents, reports or letters considered by the panel;

2. If the response to the habeas petition is an answer, petitioner's reply, if any,

shall be filed and served within thirty days after service of the answer;

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

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

DATED: January 21, 2009.

U.S. MAGISTRATE JUDGE

¹ If respondent agrees that the transcript attached as an exhibit to the petition is complete and correct, he need not provide a second copy to the court, but may simply note his acceptance of this transcript in his answer.