

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

KEVIN CORBETT McCLURE,

Petitioner,

No. CIV S-08-2468 KJM P

vs.

RICHARD B. IVES,

Respondent.

ORDER

Petitioner has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, together with a request to proceed in forma pauperis.

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondent will be directed to file an answer or a motion to dismiss.

////  
////  
////

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

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

3 2. Respondents are directed to file a response to petitioner's habeas petition  
4 within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An  
5 answer shall be accompanied by all transcripts and other documents relevant to the issues  
6 presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

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

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

13 5 The Clerk of the Court shall serve a copy of this order together with a copy of  
14 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on the United  
15 States Attorney.

16 DATED: April 2, 2009.

17   
18 \_\_\_\_\_  
19 U.S. MAGISTRATE JUDGE

20 <sup>2</sup>  
21 mcl2468.100