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

STEVEN W. ROSE,

Petitioner,

No. CIV S-08-3012 MCE DAD P

vs.

D.K. SISTO,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner at California State Prison - Solano and proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, and an application to proceed in forma pauperis.

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

Petitioner challenges the February 5, 2008 decision of the California Board of Parole denying him parole. 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 habeas petition.

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1 On January 6, 2009, petitioner filed a motion to expedite review of his action
2 based on Rules 7(b) and 11 of the Federal Rules of Civil Procedure and Article III of the U.S.
3 Constitution. The authorities cited by petitioner do not support his motion and, in light of this
4 court's order, the motion will be denied.

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

6 1. Petitioner's application to proceed in forma pauperis (Docket No.5), is
7 granted;

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

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

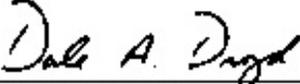
14 4. If the response to the habeas petition is a motion, petitioner's opposition or
15 statement of non-opposition to the motion shall be filed and served within thirty days after
16 service of the motion, and respondents' reply, if any, shall be filed and served within fifteen days
17 thereafter;

18 5. The Clerk of the Court shall serve a copy of this order, a copy of the petition
19 for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Docket No. 1), and the court's form
20 regarding consent or request for reassignment on Michael Patrick Farrell, Senior Assistant
21 Attorney General; and

22 6. Petitioner's January 6, 2009 request to expedite review and ruling (Docket No.
23 9) is denied.

24 DATED: January 26, 2009.

25 DAD:4
26 rose3012.100



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE