Doc. 5

Accordingly, it is hereby ordered that:

- 1. Petitioner's request for leave to proceed *in forma pauperis* is granted.
- 2. Respondent shall file and serve either an answer or a motion in response to petitioner's application within 60 days from the date of this order. *See* Rule 4, Fed. R. Governing § 2254 Cases. Any response shall be accompanied by any and all transcripts or other documents relevant to the determination of the issues presented in the application. *See* Rules 4, 5, Fed. R. Governing § 2254 Cases.
- 3. Petitioner's reply, if any, shall be filed and served within 30 days of service of an answer.
- 4. If the response to petitioner's application is a motion, petitioner's opposition or statement of non-opposition shall be filed and served within 30 days of service of the motion, and respondents' reply, if any, shall be filed within 15 days thereafter.
- 5. The Clerk of the Court shall serve a copy of this order together with a copy of petitioner's December 15, 2008, petition for a writ of habeas corpus with any and all attachments on Michael Patrick Farrell, Senior Assistant Attorney General for the State of California. The Clerk of the Court also shall serve on the Senior Assistant Attorney General the consent form used in this court.

Dated: July 17, 2009.

EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE