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

JULIOUS RAY WHITEN, JR.,

Petitioner,

No. CIV S-08-3039 DAD P

vs.

D.K. SISTO, Warden,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding through counsel. In accordance with this court's August 18, 2009 order, petitioner has filed an amended petition.

Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to petitioner's amended petition.

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

1. Respondent is directed to file a response to petitioner's amended petition for a writ of habeas corpus 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;

1 2. If the response to petitioner's habeas petition is a motion, the motion shall be
2 noticed and briefed in accordance with Local Rule 78-230(b), (c) and (d);

3 3. If the response to petitioner's habeas petition is an answer, petitioner's reply to
4 the answer shall be filed and served within thirty days after the answer is served. Any motion for
5 an evidentiary hearing shall be filed and served concurrently with petitioner's reply to the
6 answer; and

7 4. All motions shall be noticed for hearing before the undersigned on a regularly
8 scheduled law and motion calendar. Parties may appear at the hearing telephonically. To
9 arrange telephonic appearance, a party shall contact Pete Buzo, the courtroom deputy of the
10 undersigned magistrate judge, at (916) 930-4128 no later than three days prior to the hearing.

11 5. The Clerk of the Court shall serve a copy of this order, a copy of the amended
12 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, and a copy of the form regarding
13 consent or request for reassignment on Michael Patrick Farrell, Senior Assistant Attorney
14 General.

15 DATED: September 30, 2009.

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18 _____
19 DALE A. DROZD
20 UNITED STATES MAGISTRATE JUDGE

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