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

RUDY ZAMORANO,

Petitioner,

No. CIV S-08-3116 GEB DAD P

vs.

MICHAEL MARTEL,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding through counsel, has filed an application 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 the requested relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to petitioner’s application.

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

1. Respondent is directed to file a response to petitioner’s application within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer shall be accompanied by any and all transcripts or other documents relevant to the determination of the issues presented in the application. See Rule 5, Fed. R. Governing § 2254 Cases;

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1 2. If the response to petitioner's application 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 application is an answer, petitioner's reply to the
4 answer shall be filed and served within thirty days after the answer is served; any motion for an
5 evidentiary hearing shall be filed and served by petitioner concurrently with his 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 arrange
9 telephonic appearance, the 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 together with a copy of
12 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Jennifer A.
13 Neill, Supervising Deputy Attorney General.

14 DATED: January 7, 2009.

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

18 DAD:md/4
19 zamo3116.100.fee