

1  
2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 JOSEPH FULMER,

No. CIV S-09-0049-CMK-P

12 Petitioner,

13 vs.

ORDER

14 D.K. SISTO,

15 Respondent.  
16 \_\_\_\_\_/

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of  
18 habeas corpus pursuant to 28 U.S.C. § 2254 challenging a prison disciplinary proceeding.

19 Pending before the court is petitioner's petition for a writ of habeas corpus (Doc. 1).

20 The court has examined the petition as required by Rule 4 of the Federal Rules  
21 Governing Section 2254 Cases. It does not plainly appear from the petition and any attached  
22 exhibits that petitioner is not entitled to relief. See id. Respondent(s), therefore, will be directed  
23 to file a response to petitioner's petition. See id. If an answer to the petition is filed, such  
24 answer must comply with Rule 5 of the Federal Rules Governing Section 2254 Cases.  
25 Specifically, an answer shall be accompanied by any and all transcripts or other documents  
26 relevant to the determination of the issue(s) presented in the petition. See id.

Accordingly, IT IS HEREBY ORDERED that:

1. Respondent(s) shall file a response to petitioner's petition within 60 days from the date of service of this order;

2. Petitioner's traverse or reply (if an answer to the petition is filed), if any, or opposition or statement of non-opposition (if a motion in response to the petition is filed) shall be filed and served within 30 days of service of respondent's response; and

3. The Clerk of the Court shall serve a copy of this order, together with a copy of petitioner's petition for a writ of habeas corpus and the court's Order re: Consent or Request for Reassignment on Michael Patrick Farrell, Senior Assistant Attorney General.

DATED: January 14, 2009

  
CRAIG M. KELLISON  
UNITED STATES MAGISTRATE JUDGE