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

KEVIN LOUIS HOLLOWAY,

Petitioner,

No. CIV S-09-0922 MCE DAD P

vs.

RANDY GROUNDS,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se and in forma pauperis, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This action is proceeding on petitioner’s first and second grounds for relief. Grounds three and four were previously dismissed as unexhausted. On November 22, 2010, respondent filed a motion to dismiss the petition as untimely and on January 24, 2011, petitioner filed his opposition. Before the court is respondent’s request to withdraw the motion to dismiss in light of petitioner’s opposition and supporting documents. Respondent also requests thirty days to file an answer to the petition for writ of habeas corpus.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Respondent’s March 9, 2011 request to withdraw his motion to dismiss (Doc. No. 29) is granted;

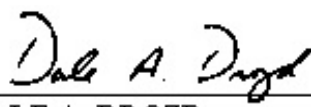
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2. Respondent's November 22, 2010 motion to dismiss (Doc. No. 23) is stricken;

3. Respondent is directed to file an answer to petitioner's habeas petition within thirty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. The 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; and

4. Petitioner's reply, if any, shall be filed and served within thirty days after service of the answer.

DATED: March 14, 2011.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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