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

LYNNARD SMITH,

Petitioner,

Civ. No. S-09-1778 KJM P

vs.

DENNIS K. SISTO, Warden,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the filing fee.

Since petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner’s habeas petition.

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

1. Respondents are directed to file a response to petitioner’s habeas petition 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. Because this petition

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1 challenges a denial of parole, the relevant documents should include the transcript of the parole
2 hearing¹ and any documents, reports or letters considered by the panel;

3 2. If the response to the habeas petition is an answer, petitioner's reply, if any,
4 shall be filed and served within thirty days after service of the answer;

5 3. If the response to the habeas petition is a motion, petitioner's opposition or
6 statement of non-opposition to the motion shall be filed and served within thirty days after
7 service of the motion, and respondents' reply, if any, shall be filed and served within fifteen days
8 thereafter; and

9 4. The Clerk of the Court shall serve a copy of this order, **the**
10 **consent/reassignment form contemplated by Appendix A(k) to the Local Rules of this**
11 **court**, and a copy of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on
12 Jennifer Neill, Senior Assistant Attorney General.

13 DATED: August 25, 2009.

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16 U.S. MAGISTRATE JUDGE

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26 ¹ If respondent agrees that the transcript attached as an exhibit to the petition is complete and correct, he need not provide a second copy to the court, but may simply note his acceptance of this transcript in his answer.