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

RAYMOND LARA,

Petitioner,

No. 2:09-cv-1966-JFM (HC)

vs.

J. HARTLEY,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file an answer.

Petitioner has filed two motions styled as motions to submit pleadings in support of his petition. Review of the motions shows that they are in fact arguments in support of the claims raised in his original petition. Petitioner is informed that he will be permitted to file a

1 traverse in support of his claims after respondent files an answer. All legal arguments in support
2 of his claims should be included in his traverse. Petitioner's motions will be denied without
3 prejudice to petitioner's right to raise the arguments contained therein in his traverse.

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

5 1. Petitioner's request to proceed in forma pauperis is granted;

6 2. Respondent is directed to file an answer within forty-five days from the date of
7 this order. See Rule 4, Rules Governing Section 2254 Cases. Respondent shall include with the
8 answer any and all transcripts or other documents relevant to the determination of the issues
9 presented in the application. Rule 5, Rules Governing Section 2254 Cases;

10 3. Petitioner's traverse, if any, is due on or before thirty days from the date
11 respondent's answer is filed;

12 4. Petitioner's July 17, 2009 motion to submit a pleading in support of the
13 petition and petitioner's July 17, 2009 motion to submit a supplemental pleading in support of
14 the petition are denied without prejudice to petitioner's right to raise the arguments contained in
15 said motions in his traverse;

16 5. The Clerk of the Court shall serve a copy of this order together with a copy of
17 petitioner's application for writ of habeas corpus and an Order Re Consent or Request for
18 Reassignment on Michael Patrick Farrell, Senior Assistant Attorney General.

19 DATED: August 20, 2009.

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22 UNITED STATES MAGISTRATE JUDGE

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