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

BENJAMIN M. GORDON,

No. CIV S-09-2644-CMK-P

Petitioner,

vs.

ORDER

MICHAEL MARTEL,

Respondent.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s petition for a writ of habeas corpus (Doc. 1).

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

1 Accordingly, IT IS HEREBY ORDERED that:

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

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

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

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11 DATED: January 6, 2010

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13 **CRAIG M. KELLISON**  
14 UNITED STATES MAGISTRATE JUDGE  
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