

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

10 MARTIN A. KILLNGSWORTH,

Petitioner, No. CIV S-09-2797 KJM P

VS.

13 JOHN HAVILAND,

**Respondent.** ORDER

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

19 Examination of the in forma pauperis application reveals that petitioner is unable  
20 to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be  
21 granted. See 28 U.S.C. § 1915(a).

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

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

2                   1. Petitioner's application to proceed in forma pauperis is granted;

3                   2. Respondent is directed to file a response to petitioner's habeas petition within  
4 sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer  
5 shall be accompanied by all transcripts and other documents relevant to the issues presented in  
6 the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

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

9                   4. If the response to the habeas petition is a motion, petitioner's opposition or  
10 statement of non-opposition to the motion shall be filed and served within thirty days after  
11 service of the motion, and respondent's reply, if any, shall be filed and served within fourteen  
12 days thereafter; and

13                   5. The Clerk of the Court shall serve a copy of this order, the  
14 consent/reassignment form contemplated by Appendix A(k) to the Local Rules of this court, and  
15 a copy of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Michael Patrick  
16 Farrell, Senior Assistant Attorney General.

17                   DATED: April 27, 2010.



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19                   U.S. MAGISTRATE JUDGE

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21                   kill2797.100(10.29.09)