

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

EMMETT WADE CHRISTIAN

Petitioner,

No. 2:09-cv-2858 MCE KJN P

vs.

MICHAEL S. EVANS

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding without counsel, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

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

Because 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.

////

////

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. Respondents are directed to file a response to petitioner's habeas petition  
4 within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An  
5 answer shall be accompanied by all transcripts and other documents relevant to the issues  
6 presented in 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 twenty-eight 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 twenty-eight days after  
11 service of the motion, and respondents' 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 consent/  
14 reassignment form contemplated by Appendix A(k) to the Local Rules of this court, and a copy  
15 of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell,  
16 Senior Assistant Attorney General.

17 DATED: February 19, 2010

18  
19  
20   
21 KENDALL J. NEWMAN  
22 UNITED STATES MAGISTRATE JUDGE  
23

24 chri2858.100  
25  
26