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

MICHAEL PLUNKETT,

Petitioner,

No. CIV S-09-3460 DAD P

vs.

GARY SWARTHOUT, Warden,

Respondent.

ORDER

_____/

Petitioner is a state prisoner proceeding pro se with a habeas corpus action filed pursuant to 28 U.S.C. § 2254. In accordance with the court’s January 15, 2010 order, petitioner has filed an amended petition naming the proper respondent.

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

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

1. Respondent is directed to file a response to petitioner’s application within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer shall be accompanied by any and all transcripts or other documents relevant to the determination of the issues presented in the application. See Rule 5, Fed. R. Governing § 2254 Cases;

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2. Petitioner's reply, if any, shall be filed and served within thirty days of service of an answer;

3. If the response to petitioner's application is a motion, petitioner's opposition or statement of non-opposition shall be filed and served within thirty days of service of the motion, and respondent's reply, if any, shall be filed within fifteen days thereafter; and

4. The Clerk of the Court shall serve a copy of this order, a copy of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, and a copy of the form regarding consent or request for reassignment on Michael Patrick Farrell, Senior Assistant Attorney General.

DATED: February 9, 2010.

DAD:9
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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE