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

DANIEL PINA,

Petitioner,

No. CIV S-09-3523 GGH P

vs.

FRANCISCO JACQUEZ,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, 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).

Since 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

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¹ The petition, which does not appear to put the sentence of life without possibility parole at issue, seems to be something of an exercise in futility.

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

2 1. Petitioner's December 15, 2009 application to proceed in forma pauperis
3 (Docket No. 2) is granted;

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

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

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

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

18 DATED: February 1, 2010

19 /s/ Gregory G. Hollows

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21 GREGORY G. HOLLOWES
22 UNITED STATES MAGISTRATE JUDGE

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