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

RAYMOND CHRISTIAN FOSS,

Petitioner,

No. 2:09-cv-3551-JAM-JFM (HC)

vs.

MIKE MARTEL, *Warden,*

Respondent.

ORDER

On June 14, 2010, petitioner filed a request for permission to file electronically. On July 26, 2010, petitioner filed a request for ruling on the June 14, 2010 request. Also on June 14, 2010, petitioner filed a request for order directing respondent to lodge the state court record and a motion for sanctions.

1. Request to File Electronically

Petitioner first seeks leave of court to file and serve documents utilizing the court’s case management Electronic Case Files (“CM/ECF”) filing services. Petitioner asserts that doing so would save him and his wife considerable time and costs associated with photocopying, serving and mailing his pleadings. Local Rule 133(b)(2)-(3) provide that a pro se litigant may not utilize CM/ECF without leave of court. Good cause appearing, the undersigned hereby grants petitioner’s motion.

1 2. Order for Lodgment of State Court Record

2 Next, petitioner relies on Rule 5 of the Rules Governing Section 2254 Cases and
3 this court's January 14, 2010 order to assert that respondent must lodge the entire state court
4 record and to serve it in its entirety on petitioner. Petitioner further seeks sanctions against
5 respondent for the alleged failure to file a "complete answer." Respondent is ordered to respond
6 to petitioner's request on or before September 2, 2010.

7 Based thereon, IT IS HEREBY ORDERED that:

8 1. Petitioner's July 26, 2010 request for ruling is granted;

9 2 Petitioner's June 14, 2010 request for permission to file electronically is
10 granted; and

11 3. Respondent shall respond to petitioner's June 14, 2010 request for order
12 directing respondent to lodge the state court record on or before September 2, 2010.

13 DATED: August 9, 2010.

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16 UNITED STATES MAGISTRATE JUDGE

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