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

TIMOTHY JOE OSBORNE,

Petitioner,

No. 2:09-cv-03594 KJN P

vs.

MATTHEW CATE,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding without counsel, has filed an amended application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Dkt. No. 6), responsive to this court’s order filed January 7, 2010, which granted petitioner’s motion to proceed in forma pauperis (Dkt. No. 4). This action was referred to the undersigned on February 9, 2010.¹

Because petitioner may be entitled to relief if the claimed violation of constitutional rights (denial of good time credits) is proved, respondent will be directed to file a response to petitioner’s habeas petition.

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¹ This action is referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), Local General Order No. 262, and E.D. Cal. L.R. (“Local Rule”) 302.

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

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

6 2. If the response to the habeas petition is an answer, petitioner's reply, if any,
7 shall be filed and served within twenty-eight days after service of the answer;

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

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

16 DATED: April 29, 2010

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20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE

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