

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

RICHARD MICHAEL PHINNEY,

Petitioner, No. CIV S-10-0564 FCD KJM F

VS.

S. SALINAS,

Respondent. **ORDER**

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.

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. Petitioner's request to proceed in forma pauperis (docket no. 2) is denied as unnecessary;

2. 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; Because this petition challenges a denial of parole, the relevant documents should include the transcript of the parole hearing and any documents, reports or letters considered by the panel;

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

4. 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 fourteen days thereafter; and

5. The Clerk of the Court shall serve a copy of this order together with a copy of petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Jennifer Neill Senior Assistant Attorney General.

DATED: May 7, 2010.



U.S. MAGISTRATE JUDGE

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