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

10 RICHARD MICHAEL PHINNEY,

11 Petitioner,

No. CIV S-10-0564 FCD KJM P

12 vs.

13 S. SALINAS,

14 Respondent.

ORDER

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

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

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

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

24 2. Respondent is directed to file a response to petitioner's application within
25 sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer
26 shall be accompanied by any and all transcripts or other documents relevant to the determination

1 of the issues presented in the application. See Rule 5, Fed. R. Governing § 2254 Cases; Because
2 this petition challenges a denial of parole, the relevant documents should include the transcript of
3 the parole hearing and any documents, reports or letters considered by the panel;

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

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

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

12 DATED: May 7, 2010.

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14 U.S. MAGISTRATE JUDGE

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