

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

JOSE R. SALINAS,

Petitioner,

No. 2:10-cv-2798 MCE KJN P

vs.

S. SALINAS,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding without counsel, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.

Petitioner also seeks leave 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).

Because petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner’s application.

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

- 1. Petitioner’s application to proceed in forma pauperis is granted;

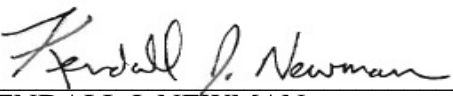
1           2. Respondent is directed to file a response to petitioner's habeas petition within  
2 sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer  
3 shall be accompanied by all transcripts and other documents relevant to the issues presented in  
4 the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

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

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

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

15 DATED: January 3, 2011

16   
17 \_\_\_\_\_  
18 KENDALL J. NEWMAN  
19 UNITED STATES MAGISTRATE JUDGE

20 sali2798.100.f  
21  
22  
23  
24  
25  
26