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

LENNI WILKES,

Petitioner,

No. 2:10-cv-2997 GEB DAD (HC)

vs.

M. D. MCDONALD,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order filed May 19, 2011, this action was dismissed due to petitioner’s failure to properly exhaust his claims in state court before seeking federal habeas relief. Judgment was entered on the same day.

On December 12, 2011, petitioner filed a motion to amend his petition. (Doc. No. 24.) By order filed January 6, 2012, the court construed petitioner’s motion as a motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b) and granted petitioner a period of thirty days in which to supplement his motion by filing a proposed amended habeas corpus petition. On January 25, 2012, petitioner filed a motion to amend, and on February 6, 2012, petitioner filed a proposed first amended petition.

Good cause appearing, IT IS HEREBY ORDERED that:

1 1. Within fifteen days from the date of this order, respondent shall file and serve a
2 response to petitioner's December 12, 2011 motion for relief from judgment pursuant to Fed. R.
3 Civ. P. 60(b); and

4 2. Petitioner's reply, if any, shall be filed and served not later than ten days
5 thereafter.

6 DATED: March 9, 2012.

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9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

11 DAD:12
12 wilk2997.brf60b