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

WILLIE D. WHITE,

Petitioner,

No. 2:10-cv-03379 KJN P

vs.

BRUNO STOLC, Warden,  
Red Rock Correctional Center,  
MATTHEW CATE, Secretary,  
California Director of Corrections,

Respondents.

ORDER

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Petitioner, a state prisoner proceeding without counsel, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis. Petitioner is incarcerated in Arizona and challenges his 2003 conviction in California’s San Joaquin County Superior Court.

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 relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner’s

1 habeas petition.

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

3 1. Petitioner's application to proceed in forma pauperis is granted;

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

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

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

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

18 DATED: January 3, 2011

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21 KENDALL J. NEWMAN  
22 UNITED STATES MAGISTRATE JUDGE

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