

1 to assist petitioner in responding to the issues raised in respondent's motion. See Rule 8(c), Fed.
2 R. Governing § 2254 Cases. Petitioner's motion for appointment of counsel will be denied
3 without prejudice to renewal, at the earliest, after an answer to the petition has been filed.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Respondent's request to withdraw his motion to dismiss is granted;
- 6 2. The Clerk of the Court is directed to terminate respondent's motion to
7 dismiss (Doc. 13) as a pending motion on the court's docket;
- 8 3. Petitioner's motion for appointment of counsel (Doc. 14) is denied without
9 prejudice;
- 10 4. Respondent shall file an answer to the petition, consistent with the
11 requirements of the court's July 27, 2011, order, within 60 days of the date of this order; and
- 12 5. Petitioner's traverse shall be filed within 30 days of service of
13 respondent's answer.

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15 DATED: December 2, 2011

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17 **CRAIG M. KELLISON**
18 UNITED STATES MAGISTRATE JUDGE
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