

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

GONZALO GARIBAY,

Petitioner,

No. 2:11-cv-2165 KJN P

vs.

S.M. 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.

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


///

1 2. Petitioner's reply, if any, shall be filed and served within twenty-eight days of
2 service of an answer;

3 3. If the response to petitioner's application is a motion, petitioner's opposition or
4 statement of non-opposition shall be filed and served within twenty-eight days of service of the
5 motion, and respondents' reply, if any, shall be filed within fourteen days thereafter; and

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

10 DATED: August 24, 2011

11
12 
13 _____
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

14 gari2165.100fee