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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS HONABLE,
Petitioner,
v.
M.D. McDONALD,
Respondent.

No. 2:13-cv-1203 JAM KJN P

ORDER

Petitioner is a state prisoner proceeding without counsel. Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 19, 2013, the undersigned recommended that this action be dismissed based on petitioner’s failure to file an application to proceed in forma pauperis or pay the filing fee. Petitioner filed objections on November 27, 2013, and on December 6, 2013, the court received petitioner’s \$5.00 filing fee. Accordingly, the findings and recommendations are vacated..

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

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

1. The November 19, 2013 findings and recommendations (ECF No. 15) are vacated;
2. Respondent is directed to file a response to petitioner’s habeas petition within sixty days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be

1 accompanied by all transcripts and other documents relevant to the issues presented in the
2 petition. See Rule 5, 28 U.S.C. foll. § 2254;

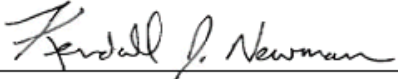
3 3. If the response to the habeas petition is an answer, petitioner's reply, if any, shall be
4 filed and served within thirty days after service of the answer;

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

9 5. The Clerk of the Court shall serve a copy of this order, the form Consent to Proceed
10 Before a United States Magistrate Judge, and a copy of the petition for writ of habeas corpus
11 pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell, Senior Assistant Attorney General.

12 Dated: December 12, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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