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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTOR ANTHONY ORTEGA,
Petitioner,
v.
CONNIE GIPSON,
Respondents.

No. 2:13-cv-1913 KJM KJN P

ORDER

Petitioner, a state prisoner proceeding through counsel, has filed a motion to lift the stay. Good cause appearing, the stay issued on November 1, 2013, is lifted.

Petitioner has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, and paid the filing fee.

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. Petitioner’s motion to lift the stay (ECF No. 10) is granted; the November 1, 2013 stay is lifted;
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 accompanied by all transcripts and other documents relevant to the issues presented in the

1 petition. See Rule 5, 28 U.S.C. foll. § 2254;


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

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

8 5. The Clerk of the Court shall serve a copy of this order, and a copy of the petition for
9 writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell, Senior Assistant
10 Attorney General.

11 Dated: February 25, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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