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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC MICHAEL GRAVEL,
Petitioner,
v.
MIKE BABCOCK, Warden,
Respondent.

No. 2:14-cv-0012 KJN P

ORDER

Petitioner is proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Both parties consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c). On April 7, 2014, respondent filed an answer.

On May 9, 2014, petitioner filed a motion for summary judgment. However, in his motion, petitioner claims that respondent failed to respond to the petition (ECF No. 15 at 12, 16), and is “not acting in good faith” (ECF No. 15 at 16). Indeed, petitioner’s motion fails to address respondent’s arguments contained in the April 7, 2014 answer.

The answer contains a certificate of service attesting to service by mail on petitioner at his current address. However, it is apparent from petitioner’s motion that he did not receive a copy of respondent’s answer. Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s motion for summary judgment (ECF No. 15) is denied without prejudice;

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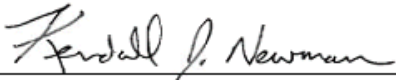
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2. The Clerk of the Court is directed to serve a copy of respondent's answer and the attached exhibit (ECF Nos. 14 & 14-1) on petitioner at his address of record; and

3. Petitioner is granted thirty days from the date of this order in which to file a traverse to respondent's answer.

Dated: June 16, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE