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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KENNETH KNANISHU,

No. 2:14-CV-0579-TLN-CMK-P

Petitioner,

vs.

ORDER

SPEARMAN,

Respondent.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 17, 2014, the court directed petitioner to submit either a completed application for leave to proceed in forma pauperis or the full filing fee for this action within 30 days. As of August 15, 2014, petitioner had not complied and the court issued findings and recommendations that this action be dismissed for lack of prosecution and failure to comply with court rules and orders. Petitioner has now paid the filing fee. The August 15, 2014, findings and recommendations will, therefore, be vacated.

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1           The court has examined petitioner’s amended petition as required by Rule 4 of the  
2 Federal Rules Governing Section 2254 Cases. It does not plainly appear from the petition and  
3 any attached exhibits that petitioner is not entitled to relief. See id. Respondent(s), therefore,  
4 will be directed to file a response to petitioner’s petition. See id. If an answer to the petition is  
5 filed, such answer must comply with Rule 5 of the Federal Rules Governing Section 2254 Cases.  
6 Specifically, an answer shall be accompanied by any and all transcripts or other documents  
7 relevant to the determination of the issue(s) presented in the petition. See id. Failure to file a  
8 response within the time permitted by this order may result in the imposition of appropriate  
9 sanctions. See Local Rule 110.

10           Accordingly, IT IS HEREBY ORDERED that:

- 11           1.     The findings and recommendations issued on August 15, 2014, are  
12 vacated;
- 13           2.     Respondent(s) shall file a response to petitioner’s amended petition within  
14 60 days from the date of service of this order;
- 15           3.     Petitioner’s traverse or reply (if an answer to the petition is filed), if any,  
16 or opposition or statement of non-opposition (if a motion in response to the petition is filed) shall  
17 be filed and served within 30 days of service of respondent’s response; and
- 18           4.     The Clerk of the Court shall serve a copy of this order, together with a  
19 copy of petitioner’s petition for a writ of habeas corpus and the court’s Order re: Consent or  
20 Request for Reassignment on Michael Patrick Farrell, Senior Assistant Attorney General.

21  
22 DATED: December 3, 2014

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25 **CRAIG M. KELLISON**  
26 UNITED STATES MAGISTRATE JUDGE