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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK ABELLA,  
Petitioner,  
v.  
M.D. BITER,  
Respondent.

No. 2:15-cv-0424 JAM KJN P

ORDER

Petitioner is a state prisoner, proceeding pro se and in forma pauperis, with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 17, 2015, respondent filed a motion to dismiss this action as barred by the statute of limitations. On May 4, 2015, petitioner filed a document styled “Motion to Proceed with Habeas Petition[] and to have Equitable Tolling Granted.” (ECF No. 16.) On May 14, 2015, respondent noted that petitioner’s request was well-taken, and requested to withdraw the motion to dismiss, and asked the court to issue a briefing order. Petitioner’s motion and respondent’s requests are granted. Respondent is directed to file a response to petitioner’s habeas petition.

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

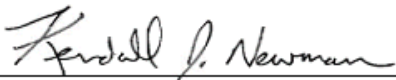
1. Petitioner’s motion (ECF No. 16) and respondent’s requests (ECF No. 17) are granted;
2. Respondent is directed to file a response to petitioner’s habeas petition within sixty days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be

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; and

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 Dated: May 18, 2015

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10 KENDALL J. NEWMAN  
11 UNITED STATES MAGISTRATE JUDGE

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