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

LARRY BRIAN PORTEOUS,

No. 2:16-cv-2406-CMK-P

Petitioner,

vs.

ORDER

SCOTT KERNAN,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner seeks leave to proceed in forma pauperis. Petitioner has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that petitioner is unable to prepay fees and costs or give security therefor. The request will be granted.

The court has examined petitioner’s petition as required by Rule 4 of the Federal Rules Governing Section 2254 Cases. It does not necessarily plainly appear from the petition and any attached exhibits that petitioner is not entitled to relief. See id. Respondent(s), therefore, will be directed to file a response to petitioner’s petition. See id. If an answer to the petition is filed, such answer must comply with Rule 5 of the Federal Rules Governing Section

1 2254 Cases. Specifically, an answer shall be accompanied by any and all transcripts or other
2 documents relevant to the determination of the issue(s) presented in the petition. See id. Failure
3 to file a response within the time permitted by this order may result in the imposition of
4 appropriate sanctions. See Local Rule 110.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Petitioner's motion for leave to proceed in forma pauperis (Doc. 3) is
7 granted;

8 2. Respondent(s) shall file a response to petitioner's petition within 60 days
9 from the date of service of this order;

10 3. Petitioner's traverse or reply (if an answer to the petition is filed), if any,
11 or opposition or statement of non-opposition (if a motion in response to the petition is filed) shall
12 be filed and served within 30 days of service of respondent's response; and

13 4. The Clerk of the Court shall serve a copy of this order, together with a
14 copy of petitioner's petition for a writ of habeas corpus and the court's Order re: Consent or
15 Request for Reassignment on Michael Patrick Farrell, Senior Assistant Attorney General.

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17 DATED: May 23, 2017

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19 **CRAIG M. KELLISON**
20 UNITED STATES MAGISTRATE JUDGE
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