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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH JOHNSON,  
Petitioner,  
v.  
CRAIG KOENIG,<sup>1</sup>  
Respondent.

No. 2:16-cv-2744 KJM CKD P

ORDER

Petitioner is a California prisoner proceeding pro se with a petition for writ of habeas corpus under 28 U.S.C. § 2254. On October 27, 2017, the court recommended that a motion to dismiss brought by respondent be granted, and that this action be dismissed as time-barred.

On April 13, 2018, the district court judge assigned to this case remanded for resolution of what the district court identifies as a material dispute of fact. Specifically, whether petitioner received a document titled “Remittitur” issued by the California Court Appeal on December 11, 2014 around the time it was issued or later in 2016.

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<sup>1</sup> Mr. Koenig, the Warden at the Correctional Training Facility in Soledad, petitioner’s place of incarceration, is hereby substituted as the respondent in this action pursuant to Rule 2(a) of the Rules Governing Section 2254 Cases.


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In documents filed by petitioner after the district court’s order (ECF Nos. 29 & 32), petitioner appears to indicate that he does not dispute that he received the remittitur around the time it was issued on December 11, 2014.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Within 21 days, petitioner shall file a document in which petitioner indicates in clear terms whether he disputes that on or around December 16, 2014 he received, from the California Court of Appeal, a document titled “Remittitur.”
2. Failure to comply with this order will result in a recommendation that this action be dismissed.

Dated: July 11, 2018

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup>  
john2744.mi