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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TODD ROBBEN,
Petitioner,
v.
JOHN DAGOSTINI,
Respondent.

No. 2:17-cv-532 WBS GGH

ORDER

On August 7, 2017 this court issued an Order to petitioner to respond to the Motion to Dismiss filed by the El Dorado District Attorney on July 17, 2017. ECF No. 15. Petitioner has now filed an Opposition Memorandum, ECF No. 22, and provided proof that he has exhausted his remedies through the California Supreme Court by an attachment of an Order of that court to his Opposition. The El Dorado District Attorney’s office shall have 10 days from the date of this Order to file any reply memorandum. At the receipt of a reply, or the expiration of the 10 day period, this matter will be deemed submitted for decision.

Further, the court has examined the affidavit provided by petitioner in support of his Motion to Proceed In Forma Pauperis and has found that petitioner does not have the resources to pay the fees and costs associated with this action. The request to proceed in forma pauperis will, therefore, be granted.

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1 All other elements of the court's August 7, 2017 Order remain in effect.

2 Petitioner complains that his personal property has not been transferred from the El
3 Dorado County Jail to his present site of incarceration at the Rio Consumnes Correctional Center
4 and he does not, therefore, have appropriate attire for court appearances. As there are no
5 scheduled federal court appearances, this is an issue that must be raised with his state, court
6 appointed attorney, the prosecuting attorney, or the Sacramento Superior Court.

7 In light of the foregoing IT IS THEREFORE ORDERED that:

- 8 1. Petitioner's Motion for In Forma Pauperis status is GRANTED.
- 9 2. The El Dorado County District Attorney's Office shall have 10 days from the date
10 of this Order to file a reply memorandum if it so chooses.

11 **IT IS SO ORDERED.**

12 Dated: August 10, 2017

13 /s/ Gregory G. Hollows
14 UNITED STATES MAGISTRATE JUDGE

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