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United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NORA LUZ SERRATO,
Petitioner,

No. C 05-03416 CRB

ORDER TO SHOW CAUSE

v.

SCHELIA A. CLARK, et al.,
Respondents.

Petitioner, who is incarcerated in the Federal Correctional Institution in Dublin, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. sections 2241 and 2242. Petitioner claims that respondents' cancellation of the federal government's Shock Incarceration Program was arbitrary and capricious and deprived her of rights guaranteed to her under the federal laws and Constitution.

A district court shall "award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false. Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) (quoting Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)).

The Court has reviewed the petition and finds good cause to proceed. Accordingly,

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1. The Clerk of the Court shall serve by certified mail a copy of this Order and the petition and all attachments thereto upon the respondents and the respondents' counsel. The Clerk shall also serve a copy of this Order on the petitioner's counsel.

2. Respondents shall file with this Court and serve upon the petitioner, within sixty (60) days of the issuance of this Order an answer showing cause why a writ of habeas corpus should not be issued.

3. If the petitioner wishes to respond to the answer, he shall do so by filing a traverse with the court and serving it upon the respondents within thirty (30) days of her receipt of the answer.

IT IS SO ORDERED.

Dated: September 6, 2005



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE