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

STEPHEN FRANSWAY,

Petitioner,

No. C 06-06457 JSW

v.

ANTHONY P. KANE, Warden,

ORDER TO SHOW CAUSE

Respondent.

Petitioner, Stephen Fransway, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

BACKGROUND

Petitioner pled guilty to first degree murder with use of a firearm and was sentenced to life with possibility of parole at seven years.

LEGAL CLAIMS

Petitioner does not challenge the validity of his underlying conviction or the resulting sentence. Rather, Petitioner seeks federal habeas corpus relief by raising the claim that the California Board of Prison Terms has violated his due process rights under the Ex Post Facto Clause and has violated the Due Process Clause and Equal Protection Clause of the 14th Amendment to the United States Constitution by its repeated denials of parole to Petitioner. Liberally construed, the claims appear potentially colorable under 28 U.S.C. § 2254 and merit an answer from Respondent.

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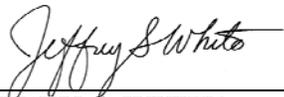
CONCLUSION

For the foregoing reasons and for good cause shown:

1. Petitioner shall serve by certified mail a copy of this Order and the petition and all attachments thereto upon Respondent.
2. Respondent shall file with the Court and serve on Petitioner, within 60 days of the date of this Order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the administrative record that are relevant to a determination of the issues presented by the petition.
3. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the Court and serving it on Respondent within 30 days of his receipt of the answer.

IT IS SO ORDERED.

Dated: October 24, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE