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

WILLIE SCHOBY JR.,

No. C 07-5431 SI

Petitioner,

**ORDER GRANTING PETITIONER'S
APPLICATION TO LIFT STAY;
SETTING BRIEFING SCHEDULE**

v.

ANTHONY HEDGPETH, Warden, California
State Prison - Kern Valley, California
Department of Corrections,

Respondent.

_____ /

United States District Court
For the Northern District of California

Petitioner has filed a motion to reopen this action and lift the stay. Petitioner informs the Court that on July 9, 2008, the Supreme Court of California denied petitioner's petition for a writ of habeas corpus. The Court GRANTS petitioner's motion. (Docket No. 6). The Clerk is directed to reopen this case.

The Court previously found that petitioner's claims are cognizable in a federal habeas action. The Clerk shall serve by certified mail a copy of this order, the petition and all attachments thereto upon respondent and respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this order on petitioner and petitioner's counsel at the mailing address provided.

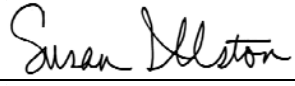
Respondent must file and serve upon petitioner, on or before **October 31, 2008**, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent must file with the answer a copy of all portions of the transcript that have been previously transcribed and that are relevant to a determination of the issues presented by the petition. If petitioner wishes to respond to the answer, he must do so by

1 filing a traverse with the Court and serving it on respondent on or before **December 5, 2008**.

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IT IS SO ORDERED.

Dated: September 30, 2008



SUSAN ILLSTON
United States District Judge