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

ARTURO CHAIREZ,)
)
Petitioner,)
)
v.)
)
M. ADAMS, Warden,)
)
Respondent.)
_____)

No. C 07-5767 MMC (PR)
**ORDER DIRECTING CLERK OF
COURT TO SERVE RESPONDENT
WITH PETITIONER'S OPPOSITION
TO MOTION TO DISMISS (DOCKET
NO. 13); SCHEDULING REPLY**

Respondent has filed, in the above-titled habeas corpus action, a motion to dismiss the petition as untimely. On November 24, 2008, petitioner, a California prisoner proceeding pro se, filed opposition to the motion to dismiss.¹ Although the Court had previously informed petitioner that he must serve respondent with a copy of his opposition, the Proof of Service form attached to the opposition shows petitioner did not do so. Accordingly, in the interest of the efficient resolution of this matter, the Court hereby DIRECTS the Clerk of the Court to serve respondent with a copy of the opposition (Docket No. 13); respondent shall file a reply thereto within **twenty (20)** days of the date this order is filed.

The motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion unless the Court so orders at a later date.

IT IS SO ORDERED.

DATED: December 16, 2008


MAXINE M. CHESNEY
United States District Judge

¹Specifically, petitioner filed a document titled "Motion to Grant Habeas Corpus Writ." It is clear, however, from the contents of the document, that petitioner is opposing the motion to dismiss by arguing that he is entitled to equitable tolling of the statute of limitations.

United States District Court
For the Northern District of California