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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TREMAYNE J. COLLIER,

No. C 07-5964 CW PR

Petitioner,

ORDER GRANTING
APPLICATION TO
PROCEED IN FORMA
PAUPERIS AND ORDER
TO SHOW CAUSE

v.

ANTHONY HEDGPETH, Warden,

Respondent.

/

Petitioner, a state prisoner currently incarcerated at Kern Valley State Prison in Delano, California, has filed an application to proceed in forma pauperis (IFP) and this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ Good cause appearing, the Court hereby issues the following orders:

The application to proceed IFP is granted. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the

¹Plaintiff names Tom Felker, Warden of High Desert State Prison, as Respondent. On December 26, 2007, Petitioner filed a notice that he was moved from High Desert State Prison to Kern Valley State Prison. The Clerk of the Court shall substitute Anthony Hedgpeth, Warden of Kern Valley State Prison, as Respondent. See Rule 25(d)(1) of the Federal Rules of Civil Procedure (if a public officer who is a party to a lawsuit ceases to hold office or resigns, the officer's successor is automatically substituted as a party).

1 Attorney General of the State of California.

2 Respondent shall file with this Court and serve upon
3 Petitioner, within sixty (60) days of the issuance of this Order,
4 an answer conforming in all respects to Rule 5 of the Rules
5 Governing Section 2254 Cases, 28 U.S.C. foll. § 2254, showing cause
6 why a writ of habeas corpus should not be issued. Respondent shall
7 file with the answer a copy of all portions of the state record
8 that have been previously transcribed and that are relevant to a
9 determination of the issues presented by the petition.

10 If Petitioner wishes to respond to the answer, he shall do so
11 by filing a traverse with the Court and serving it upon Respondent
12 within thirty (30) days of his receipt of the answer.

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15 IT IS SO ORDERED.

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17 Dated: 2/7/08

Claudia wilken

18 CLAUDIA WILKEN
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TREMAYNE J. COLLIER,

Plaintiff,

Case Number: CV07-05964 CW

Defendant.

CERTIFICATE OF SERVICE

OM FELKER et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 7, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Tremayne Collier
V-60930
Kern Valley State Prison
P.O. Box 5102 B3-130
Delano, CA 93216

Attorney General
State of California
455 Golden Gate Avenue, #11000
San Francisco, CA 94102

Anthony Hedgpeth, Warden
Kern Valley State Prison
P.O. Box 6000
Delano, CA 93216-6000

Dated: February 7, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk