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

KEVIN CRAIG,)	
)	
Petitioner,)	No. C 07-1567 CRB (PR)
)	
vs.)	ORDER TO SHOW CAUSE
)	
TOM FELKER, Warden,)	
)	
Respondent.)	
_____)	

Petitioner, a state prisoner incarcerated at High Desert State Prison, seeks a writ of habeas corpus under 28 U.S.C. § 2254.

BACKGROUND

Petitioner was convicted by a jury in the Superior Court of the State of California in and for the County of Alameda of attempted murder and related offenses for the September 18, 2002 shooting of David Hayes. On August 13, 2003, he was sentenced to 34 years to life in state prison.

Petitioner unsuccessfully appealed his conviction and sentence to the California Court of Appeal and the Supreme Court of California, which denied review on June 29, 2005.

1 **CONCLUSION**

2 For the foregoing reasons and for good cause shown,

3 1. The clerk shall reopen this matter and serve by certified mail a copy
4 of this order and the Amended Petition and all attachments thereto on respondent
5 and respondent's attorney, the Attorney General of the State of California. The
6 clerk also shall serve a copy of this order on petitioner.

7 2. Respondent shall file with the court and serve on petitioner, within
8 60 days of the issuance of this order, an answer conforming in all respects to Rule
9 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of
10 habeas corpus should not be granted. Respondent shall file with the answer and
11 serve on petitioner a copy of all portions of the state trial record that have been
12 transcribed previously and that are relevant to a determination of the issues
13 presented by the petition.

14 If petitioner wishes to respond to the answer, he shall do so by filing a
15 traverse with the court and serving it on respondent within 30 days of his receipt
16 of the answer.

17 3. Respondent may file a motion to dismiss on procedural grounds in
18 lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the
19 Rules Governing Section 2254 Cases. If respondent files such a motion,
20 petitioner shall file with the court and serve on respondent an opposition or
21 statement of non-opposition within 30 days of receipt of the motion, and
22 respondent shall file with the court and serve on petitioner a reply within 15 days
23 of receipt of any opposition.

24 4. Petitioner is reminded that all communications with the court must
25 be served on respondent by mailing a true copy of the document to respondent's
26 counsel. Petitioner must also keep the court and all parties informed of any
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change of address.

SO ORDERED.

DATED: Oct. 06, 2008



CHARLES R. BREYER
United States District Judge