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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE LUIS JIMENEZ,
Petitioner,
v.
B. CURRY, warden,
Respondent.

No. C 08-2551 MHP (pr)
ORDER TO SHOW CAUSE

INTRODUCTION

Jose Luis Jimenez, an inmate at the Correctional Training Facility in Soledad, filed this pro se action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. His petition is now before the court for review pursuant to 28 U.S.C. §2243 and Rule 4 of the Rules Governing Section 2254 Cases. His in forma pauperis application also is before the court for consideration.

BACKGROUND

Jimenez was convicted in Los Angeles County Superior Court of second degree murder and was sentenced in 1986 to a term of 15 years to life in prison. His petition does not challenge his conviction but instead challenges an April 12, 2007 decision by the Board of Parole Hearings ("BPH") to find him not suitable for parole. Jimenez alleges that he filed habeas petitions in state courts, including the California Supreme Court, before filing this action.

CONCLUSION

For the foregoing reasons,

1. The petition warrants a response from respondent.

2. 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.

3. Respondent must file and serve upon petitioner, on or before **December 19, 2008**, 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 parole hearing record that have been previously transcribed and that are relevant to a determination of the issues presented by the petition.

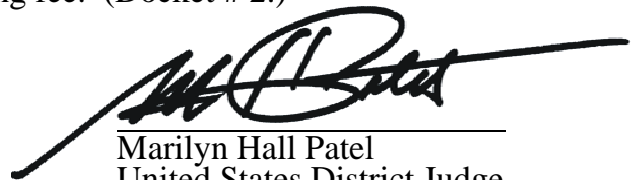
4. If petitioner wishes to respond to the answer, he must do so by filing a traverse with the court and serving it on respondent on or before **January 30, 2009**. The traverse may not exceed 25 pages in length.

5. Petitioner is responsible for prosecuting this case. He must keep the court informed of any change of address and must comply with the court's orders in a timely fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

6. The in forma pauperis application is DENIED as unnecessary because petitioner has paid the filing fee. (Docket # 2.)

IT IS SO ORDERED.

DATED: September 26, 2008


Marilyn Hall Patel
United States District Judge