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

JESUS CARLOS LOPEZ,

No. C 08-4903 WHA (PR)

Petitioner,

ORDER TO SHOW CAUSE

v.

ROBERT J. HERNANDEZ, Warden,

Respondent.

_____/

Petitioner, a California prisoner currently incarcerated at the Donovan Correctional Facility in San Diego, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the filing fee.

Venue is proper because the conviction was obtained in Santa Clara County, which is in this district. *See* 28 U.S.C. § 2241(d).

STATEMENT

A jury convicted petitioner of fourteen counts of committing lewd or lascivious acts on a child under age fourteen by force. *See* Cal. Penal Code § 288(b)(1). With sentencing enhancements, he was sentenced to 168 years to life in prison. His conviction was affirmed on direct appeal by the California Court of Appeal and the California Supreme Court denied review.

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1 **CONCLUSION**

2 1. Leave to proceed in forma pauperis (document number 2 on the docket) is **GRANTED**.

3 2. The clerk shall mail a copy of this order and the petition with all attachments to the
4 respondent and the respondent's attorney, the Attorney General of the State of California. The
5 clerk shall also serve a copy of this order on the petitioner.

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

12 If petitioner wishes to respond to the answer, he shall do so by filing a traverse with the
13 court and serving it on respondent within thirty days of service of the answer.

14 4. Respondent may file a motion to dismiss on procedural grounds in lieu of an answer,
15 as set forth in Rule 4 of the Rules Governing Section 2254 Cases. If respondent files such a
16 motion, petitioner shall file with the court and serve on respondent an opposition or statement of
17 non-opposition within thirty days of receipt of the motion, and respondent shall file with the
18 court and serve on petitioner a reply within 15 days of receipt of any opposition. If a motion is
19 filed it will be ruled upon without oral argument, unless otherwise ordered.

20 5. Petitioner is reminded that all communications with the court must be served on
21 respondent by mailing a copy of the document to respondent's counsel. Papers intended to be
22 filed in this case should be addressed to the clerk rather than to the undersigned. Petitioner also
23 must keep the court informed of any change of address and comply with any orders of the court
24 within the time allowed, or ask for an extension of that time. Failure to do so may result in the
25 dismissal of this action for failure to prosecute.

26 **IT IS SO ORDERED.**

27 Dated: November 4, 2008.

28 

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE