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**United States District Court**  
For the Northern District of California

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

LAWRENCE MARTINEZ,	)	No. C 09-2116 MMC (PR)
Petitioner,	)	<b>ORDER TO SHOW CAUSE</b>
vs.	)	
BEN CURRY,	)	
Respondent.	)	

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On May 14, 2009, petitioner, a California prisoner incarcerated at the Correctional Training Facility, Soledad, and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the denial of parole by the California Board of Parole Hearings (“Board”). Petitioner has paid the filing fee.

**BACKGROUND**

In 1988, in the Superior Court of Imperial County (“Superior Court”), petitioner was convicted of kidnap for robbery. He was sentenced to a term of seven years to life in state prison. In 2007, the Board, for the eighth time, denied petitioner parole. Petitioner challenged that decision by habeas petitions filed in the Superior Court and the California Court of Appeal, and by a petition for review filed in the California Supreme Court. The Supreme Court denied the petition for review on March 24, 2009.



1 petition.

2 3. If petitioner wishes to respond to the answer, he shall do so by filing a traverse  
3 with the Court and serving it on respondent's counsel within **thirty (30)** days of the date the  
4 answer is filed.

5 4. In lieu of an answer, respondent may file, within **ninety (90)** days of the date this  
6 order is filed, a motion to dismiss on procedural grounds, as set forth in the Advisory  
7 Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If respondent files  
8 such a motion, petitioner shall file with the Court and serve on respondent an opposition or  
9 statement of non-opposition within **thirty (30)** days of the date the motion is filed, and  
10 respondent shall file with the Court and serve on petitioner a reply within **fifteen (15)** days of  
11 the date any opposition is filed.


12 5. Petitioner is reminded that all communications with the Court must be served on  
13 respondent by mailing a true copy of the document to respondent's counsel.

14 6. It is petitioner's responsibility to prosecute this case. Petitioner must keep the  
15 Court and respondent informed of any change of address and must comply with the Court's  
16 orders in a timely fashion. Failure to do so may result in the dismissal of this action for  
17 failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

18 7. Upon a showing of good cause, requests for a reasonable extension of time will be  
19 granted provided they are filed on or before the deadline they seek to extend.

20 IT IS SO ORDERED.

21 DATED: August 24, 2009

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23 MAXINE M. CHESNEY  
24 United States District Judge  
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