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

MARCO ANTONIO CORREA,
Petitioner,
v.
KENNETH CLARK, Warden,
Respondent.

No. C 09-3347 MMC (PR)

**ORDER TO SHOW CAUSE;
GRANTING MOTION TO
WITHDRAW IN FORMA PAUPERIS
APPLICATIONS**

(Docket Nos. 2, 6, 10)

On July 21, 2009, petitioner, a California prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 10, 2010, petitioner paid the filing fee.¹

BACKGROUND

In 2003, in the Superior Court of Santa Clara County, petitioner pleaded guilty to two counts of lewd acts on a child with the use of force. He was sentenced to sixteen years in state prison. Petitioner appealed his conviction to the California Court of Appeal and filed a petition for review in the California Supreme Court. Petitioner does not indicate in the instant petition the rulings obtained in those proceedings. Subsequently, petitioner challenged the validity of his plea agreement and sentence by filing habeas petitions in the Superior Court, the California Court of Appeal and the California Supreme Court. All three habeas petitions were denied.

¹In light of petitioner’s having paid the filing fee, his motion to withdraw his previously-filed in forma pauperis applications will be granted.

1 Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not
2 be granted based on petitioner's cognizable claims. Respondent shall file with the answer
3 and serve on petitioner a copy of all portions of the state trial record that have been
4 transcribed previously and that are relevant to a determination of the issues presented by the
5 petition.

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

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

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

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

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

24 This order terminates Docket Nos. 2, 6 and 10.

25 IT IS SO ORDERED.

26 DATED: April 19, 2010

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28 MAKINE M. CHESNEY
United States District Judge