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

SHARON LEE CAULDER,

Petitioner,

vs.

PAUL COPENHAVER, Warden,

Respondent.

No. C 09-04279 JW (PR)

ORDER TO SHOW CAUSE

Petitioner, a federal prisoner incarcerated in Dublin, California, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the execution of her federal sentence. She has paid the filing fee.

BACKGROUND

In 2006, petitioner was found guilty in the United States District Court for the Northern District of California of two counts of concealing assets in connection with a bankruptcy proceeding. (Pet. at 3.) On May 31, 2006, petitioner was sentenced to thirty months in federal prison, where she is currently serving her sentence.

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1 **DISCUSSION**

2 A. Standard of Review

3 This court may entertain a petition for a writ of habeas corpus “in behalf of a
4 person in custody pursuant to the judgment of a State court only on the ground that
5 he is in custody in violation of the Constitution or laws or treaties of the United
6 States.” 28 U.S.C. § 2254(a).

7 It shall “award the writ or issue an order directing the respondent to show
8 cause why the writ should not be granted, unless it appears from the application that
9 the applicant or person detained is not entitled thereto.” Id. § 2243.

10 B. Legal Claims

11 Petitioner claims that the Bureau of Prisons (“BOP”) arbitrarily denied her
12 immediate transfer to a Residential Reentry Center (“RRC”) under the revised
13 Second Chance Act, 18 U.S.C. § 3621, pending her release on probation. Petitioner
14 claims that the BOP’s denial is part of the discrimination she has experienced during
15 her incarceration due to her Vodun religion. Liberally construed, this claim is
16 cognizable.

17
18 **CONCLUSION**

19 For the foregoing reasons and for good cause shown,

20 1. The clerk shall serve by certified mail a copy of this order and the
21 petition and all attachments thereto on respondent and respondent’s attorney, the
22 **United States Attorney for the Northern District of California**. The clerk also
23 shall serve a copy of this order on petitioner.

24 2. Respondent shall file with the court and serve on petitioner, within
25 **thirty (30) days** of the issuance of this order, an answer showing cause why a writ
26 of habeas corpus should not be granted on petitioner’s cognizable claim.
27 Respondent shall file with the answer and serve on petitioner a copy of all records
28 that are relevant to a determination of the issues presented by the petition.

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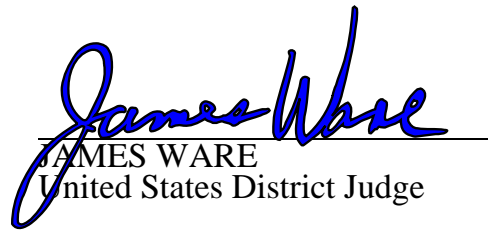
If petitioner wishes to respond to the answer, she shall do so by filing a traverse with the court and serving it on respondent within **fifteen (15) days** of her receipt of the answer.

3. Respondent may file a motion to dismiss on procedural grounds in lieu of an answer. If respondent files such a motion, petitioner shall file with the court and serve on respondent an opposition or statement of non-opposition within **fifteen (15) days** of receipt of the motion, and respondent shall file with the court and serve on petitioner a reply within **fifteen (15) days** of receipt of any opposition.

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

5. It is petitioner's responsibility to prosecute this case. Petitioner must keep the Court and respondent 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 Rules of Civil Procedure 41(b).

DATED: February 19, 2010 _____


JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SHARON LEE CAULDER,
Petitioner,

Case Number: CV09-04279 JW

CERTIFICATE OF SERVICE

v.

PAUL COPENHAVER, Warden,
Respondent.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/19/2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Sharon Lee Caulder #28836-034
FEDERAL CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
5701 8TH ST - CAMP PARKS
DUBLIN, CA 94568

Dated: 2/19/2010

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk