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

JIMMY BLUNT,)	No. C 10-4087 JSW (PR)
)	
Petitioner,)	ORDER TO SHOW CAUSE
)	
vs.)	
)	
K. CLARK, Warden,)	
)	
Respondent.)	
)	
_____)	

INTRODUCTION

Petitioner, a prisoner of the State of California proceeding pro se, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging the constitutionality of his state court conviction. This order directs Respondent to show cause why the petition should not be granted. Petitioner has paid the filing fee.

BACKGROUND

According to the petition, Petitioner was convicted of first-degree murder in Alameda County Superior Court in 2005. He was sentenced to a term of fifty years to life in state prison. The California Court of Appeal affirmed the judgment, and the California Supreme Court denied review, in 2009. Petitioner filed the instant federal habeas petition on September 10, 2010.

1 **DISCUSSION**

2 I 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 he is
5 in custody in violation of the Constitution or laws or treaties of the United States.” 28
6 U.S.C. § 2254(a).

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

10 II Legal Claims

11 Petitioner claims: (1) that the admission of coerced and involuntary statements
12 that Petitioner made to interrogators prior to trial violated his right to due process; and
13 (2) the exclusion of evidence of Petitioner’s being kidnaped and forced to fire a gun
14 violated his right to due process. Liberally construed, the allegations are sufficient to
15 warrant a response from Respondent.

16 **CONCLUSION**

17 For the foregoing reasons and for good cause shown,

18 1. The Clerk shall serve by certified mail a copy of this order and the petition, and
19 all attachments thereto, on Respondent and Respondent's attorney, the Attorney General
20 of the State of California. The Clerk also shall serve a copy of this order on Petitioner.

21 2. Respondent shall file with the Court and serve on Petitioner, within **ninety (90)**
22 days of the issuance of this order, an answer conforming in all respects to Rule 5 of the
23 Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should
24 not be granted. Respondent shall file with the answer and serve on Petitioner a copy of all
25 portions of the state trial record that have been transcribed previously and that are relevant
26 to a determination of the issues presented by the petition. If Petitioner wishes to respond
27 to the answer, he shall do so by filing a traverse with the Court and serving it on
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1 Respondent within **thirty (30)** days of the date the answer is filed.

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

8 4. It is Petitioner's responsibility to prosecute this case. Petitioner must keep
9 the Court informed of any change of address by filing a separate paper captioned "Notice
10 of Change of Address." He must comply with the Court's orders in a timely fashion.
11 Failure to do so may result in the dismissal of this action for failure to prosecute pursuant
12 to Federal Rule of Civil Procedure 41(b).

13 IT IS SO ORDERED.

14 DATED: November 30, 2010

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16 _____
17 JEFFREY S. WHITE
18 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 JIMMY BLUNT,
6 Plaintiff,
7

Case Number: CV10-04087 JSW

CERTIFICATE OF SERVICE

8 v.

9 K CLARK et al,
10 Defendant.
_____ /

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

13 That on November 30, 2010, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
16 delivery receptacle located in the Clerk's office.

17 Jimmy Blunt
18 V91795
19 Corcoran State Prison
20 P.O. Box 5246
21 Corcoran, CA 93212

22 Dated: November 30, 2010



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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