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\*E-Filed 1/4/12\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MANSE SULLIVAN,

No. C 11-2312 RS (PR)

Petitioner,

**ORDER TO SHOW CAUSE**

v.

PAM ALIN,

Respondent.

**INTRODUCTION**

This is a federal habeas corpus action filed pursuant to 28 U.S.C. § 2254 by a *pro se* state prisoner. The original petition was dismissed with leave to amend. The amended petition is now before the Court for review pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases.

**DISCUSSION**

This Court may entertain a petition for writ of habeas corpus “in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A district court considering an application for a writ of habeas corpus shall “award the writ

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United States District Court  
For the Northern District of California



1 be granted based on petitioner's cognizable claim. Respondent shall file with the answer and  
2 serve on petitioner a copy of all portions of the state trial record that previously have been  
3 transcribed and that are relevant to a determination of the issues presented by the petition.

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

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

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

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

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

22 **IT IS SO ORDERED.**

23 DATED: January 4, 2012

  
24 RICHARD SEEBORG  
United States District Judge