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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MINDY LEE DORTON,

No. C 11-4074 SI (pr)

Petitioner,

ORDER TO SHOW CAUSE

v.

Warden TEWES,

Respondent.

Mindy Lee Dorton, a prisoner currently incarcerated at the Federal Correctional Institution in Dublin, California, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

A district court may entertain a petition for writ of habeas corpus challenging the execution of a federal sentence by a person who is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). It shall "award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false. *See Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th Cir. 1990) (citation omitted).

1 Dorton's petition alleges that the Bureau of Prisons has miscalculated the pre-sentencing
2 time credits to which she is entitled under 18 U.S.C. § 3585, and that such miscalculation will
3 cause her to spend more time in prison than is proper under her sentence. Liberally construed,
4 the allegations state a cognizable claim for habeas relief for a federal prisoner.

5 For the foregoing reasons and for good cause shown,

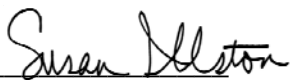
6 1. The clerk shall serve by certified mail a copy of this order and the petition, and all
7 attachments thereto, upon respondent, respondent's attorney, the United States Attorney for the
8 Northern District of California, and the Attorney General of the United States in Washington,
9 D.C. The clerk also shall serve a copy of this order upon petitioner.

10 2. Respondent must file and serve upon petitioner no later than **January 13, 2012**,
11 an answer responding to the allegations in the petition and showing cause why a writ of habeas
12 corpus should not be issued. Respondent must file with the answer a copy of all documents that
13 are relevant to a determination of the issues presented in the petition.

14 3. If petitioner wishes to respond to the answer, she must file and serve on respondent
15 her traverse no later than **February 17, 2012**.

16 IT IS SO ORDERED.

17 Dated: December 12, 2011



SUSAN ILLSTON
United States District Judge

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