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

HAROLD BUTTS, JR.,  
Petitioner,  
v.  
MATTHEW CATE,  
Respondent.

NO. C11-5758 TEH

ORDER TO SHOW CAUSE AND  
ORDER DENYING REQUEST  
FOR DISCOVERY

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The Court is in receipt of Petitioner Harold Butts, Jr.'s petition for writ of habeas corpus. Because it does not "appear[] from the application" that Petitioner is not entitled to habeas relief, the Court hereby orders Gipson "to show cause why the writ should not be granted." 28 U.S.C. § 2243. Accordingly, IT IS HEREBY ORDERED that:

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1. The Clerk of the Court shall serve by certified mail a copy of this order upon Respondent's attorney, the Attorney General of the State of California. This case has been designated for electronic filing, and Respondent's attorney shall immediately register with the Court's electronic case filing ("ECF") system.

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2. On or before **February 10, 2012**, Respondent shall file and serve an answer showing cause why this Court should not issue a writ of habeas corpus. Respondent's answer shall conform in all respects to Rule 5 of the Rules Governing § 2254 cases. In addition, Respondent shall file and serve with his answer a copy of all portions of the administrative record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

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3. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the Court and serving it on Respondent on or before **March 12, 2012**.


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IT IS FURTHER ORDERED that Petitioner's request for discovery is DENIED without prejudice. Habeas petitioners are "not entitled to discovery as a matter of ordinary

1 course,” and Petitioner has failed to make any showing of “good cause” for granting  
2 discovery in this case. *Bracy v. Gramley*, 520 U.S. 899, 904 (1997); Rule 6(a) of the Rules  
3 Governing § 2254 Cases.

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5 **IT IS SO ORDERED.**

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7 Dated: 12/08/11

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT

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