

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JULIO MELENDEZ, AA-7292,)	
)	
Petitioner,)	No. C 12-0386 CRB (PR)
)	
vs.)	ORDER TO SHOW CAUSE
)	
A. HEDGPETH, Warden,)	(Docket # 2 & 4)
)	
Respondent.)	
_____)	

Petitioner, a state prisoner at Salinas Valley State Prison (SVSP), has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a conviction from San Francisco County Superior Court. He also seeks to proceed in forma pauperis under 28 U.S.C. § 1915.

BACKGROUND

Petitioner was convicted by a jury of first degree murder and being a felon in possession of a firearm, and found true the enhancement allegation that he of personal use of a firearm. In a bifurcated proceeding, the court found true the allegation that petitioner had served two prior prison terms. On September 28, 2009, petitioner was sentenced to 35 years to life in state prison.

1 **CONCLUSION**

2 For the foregoing reasons and for good cause shown,

3 1. Petitioner's request to proceed in forma pauperis (docket # 2 & 4) is
4 GRANTED.

5 2. The clerk shall serve a copy of this order and the petition and all
6 attachments thereto on respondent and respondent's attorney, the Attorney
7 General of the State of California. The clerk also shall serve a copy of this order
8 on petitioner.

9 3. Respondent shall file with the court and serve on petitioner, within
10 60 days of the issuance of this order, an answer conforming in all respects to Rule
11 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of
12 habeas corpus should not be granted. Respondent shall file with the answer and
13 serve on petitioner a copy of all portions of the state trial record that have been
14 transcribed previously and that are relevant to a determination of the issues
15 presented by the petition.

16 If petitioner wishes to respond to the answer, he shall do so by filing a
17 traverse with the court and serving it on respondent within 30 days of his receipt
18 of the answer.

19 4. Respondent may file a motion to dismiss on procedural grounds in
20 lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the
21 Rules Governing Section 2254 Cases. If respondent files such a motion,
22 petitioner must serve and file an opposition or statement of non-opposition not
23 more than 28 days after the motion is served and filed, and respondent must serve
24 and file a reply to an opposition not more than 14 days after the opposition is
25 served and filed.

26 /

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

5 SO ORDERED.

6 DATED: June 1, 2012



CHARLES R. BREYER
United States District Judge