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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 MANUEL VILLA,)

Nos. C 13-2228 JSW (PR)

7 Petitioner,)

**ORDER LIFTING STAY; REOPENING
CASE; TO SHOW CAUSE**

8 vs.)

9 STATE OF CALIFORNIA,)

10 Respondent.)

11 _____)
12

13 Petitioner, a prisoner of the State of California proceeding pro se, has filed a
14 habeas corpus petition pursuant to 28 U.S.C. § 2254 setting forth six claims challenging
15 the constitutionality of his state court conviction. His motion to stay the case to allow him
16 to exhaust the first five claims was granted. He has filed a notice that he has exhausted
17 the claims in which he requests that the stay be lifted and that he be allowed to proceed
18 with the petition.

19 The Court has previously find the six claims, when liberally construed, to be
20 cognizable. (*See* Dkt. No. 5.)

21 For the foregoing reasons and for good cause shown:

22 1. The stay is LIFTED. The Clerk shall reopen the file.

23 2. The Clerk shall serve a copy of the petition and all attachments thereto, this
24 order, and the prior order granting the stay (Dkt. No. 5) on Respondent and Respondent's
25 attorney, the Attorney General of the State of California. The Clerk also shall serve a
26 copy of this order on Petitioner.

27 3. Respondent shall file with the Court and serve on Petitioner, within **ninety-one**
28 **(91)** days of the issuance of this order, an answer conforming in all respects to Rule 5 of


1 the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus
2 should not be granted. Respondent shall file with the answer and serve on Petitioner a
3 copy of all portions of the state trial record that have been transcribed previously and that
4 are relevant to a determination of the issues presented by the petition. If Petitioner wishes
5 to respond to the answer, he shall do so by filing a traverse with the Court and serving it
6 on Respondent within **twenty-eight (28)** days of the date the answer is filed.

7 4. Respondent may, within **ninety-one (91) days**, file a motion to dismiss on
8 procedural grounds in lieu of an answer, as set forth in the Advisory Committee Notes to
9 Rule 4 of the Rules Governing Section 2254 Cases. If Respondent files such a motion,
10 Petitioner shall file with the Court and serve on Respondent an opposition or statement of
11 non-opposition within **twenty-eight (28)** days of the date the motion is filed, and
12 Respondent shall file with the Court and serve on Petitioner a reply within **fourteen (14)**
13 days of the date any opposition is filed.

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

19 IT IS SO ORDERED.

20 DATED: September 5, 2014

21 
22 _____
23 JEFFREY S. WHITE
24 United States District Judge
25
26
27
28

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 MANUEL VILLA,
6

7 Plaintiff,

8 v.

9 CONNIE GIBSON et al,
10

11 Defendant.
_____ /

Case Number: CV13-02228 JSW

CERTIFICATE OF SERVICE

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

14 That on September 5, 2014, I SERVED a true and correct copy(ies) of the attached, by placing
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
17 delivery receptacle located in the Clerk's office.

18 Manuel Villa K90355
19 Corcoran State Prison
20 P.O. Box 3481
21 Corcoran, CA 93212

22 Dated: September 5, 2014



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