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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 ANTHONY R. BARRON, F73020,)
9 Petitioner,) No. C 15-3157 CRB (PR)
10 vs.) ORDER
11 CLARK E. DUCART, Warden,) (Dkt. #14 & 20)
12 Respondent.)
13 _____)


14 Petitioner has filed a request for entry of default on the ground that
15 respondent did not file a response to the court's order to show cause why a writ
16 of habeas corpus should not be granted by December 18, 2015, as directed by the
17 court. Petitioner's request (dkt. #20) is DENIED.

18 The docket shows that respondent filed a motion to dismiss the petition for
19 a writ of habeas corpus as untimely on December 18, 2015 (see dkt. #18) and
20 served a copy on petitioner at his then address of record at Pelican Bay State
21 Prison (PBSP). But because petitioner was transferred from PBSP to Pleasant
22 Valley State Prison (PVSP) around that same time it appears that he did not
23 receive a copy of respondent's motion to dismiss. Good cause appearing
24 therefor, respondent shall serve another copy of the motion to dismiss on
25 petitioner at his new address of record at PVSP within five (5) days of this order.
26 Plaintiff shall file an opposition, or notice of non-opposition, to the motion to
27 dismiss by no later than February 19, 2016, and respondent shall file a reply to
28 any opposition within 14 days of the filing of the opposition.

1 Petitioner's application (dkt. #14) for release during the pendency of this
2 federal habeas proceeding is DENIED. See Land v. Deeds, 878 F.2d 318, 318-9
3 (9th Cir. 1989) (district court may release state prisoner on bail pending
4 resolution of federal habeas proceeding only in extraordinary cases involving
5 special circumstances or a high probability of success) (citing Aronson v. May,
6 85 S. Ct. 3, 5 (1964) (requiring both exceptional circumstances and high
7 probability of success)).

8 SO ORDERED.

9 DATED: Jan. 11, 2015



CHARLES R. BREYER
United States District Judge