

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RODNEY B. BARNO,
Petitioner,
v.
SHAWN HATTON,
Respondent.

Case No. [17-cv-05310-WHO](#) (PR)

ORDER TO SHOW CAUSE

Dkt. No. 2

INTRODUCTION

Petitioner Rodney Barno seeks federal habeas relief from a prison disciplinary decision. The petition for such relief has been reviewed under 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases and has been found to state cognizable claims. Accordingly, on or before **February 2, 2018**, respondent shall file an answer or dispositive motion in response to the habeas petition.

BACKGROUND

According to the petition, in 2016, Barno’s jailors at the California Substance Abuse Treatment Facility and State Prison found him guilty of willfully delaying a peace officer in the performance of his duty by refusing a compatible cellmate. In consequence, Barno lost 90 days of credits and was deprived of various privileges.

1 4. In lieu of an answer, respondent may file, on or before **February 2, 2018**, a
2 motion to dismiss on procedural grounds, as set forth in the Advisory Committee Notes to
3 Rule 4 of the Rules Governing Section 2254 Cases. If respondent files such a motion,
4 petitioner shall file with the Court and serve on respondent an opposition or statement of
5 non-opposition within thirty (30) days of the date the motion is filed, and respondent shall
6 file with the Court and serve on petitioner a reply within fifteen (15) days of the date any
7 opposition is filed.

8 5. Petitioner is reminded that all communications with the Court must be served on
9 respondent by mailing a true copy of the document to respondent's counsel.

10 6. It is petitioner's responsibility to prosecute this case. Petitioner must keep the
11 Court and respondent informed of any change of address and must comply with the
12 Court's orders in a timely fashion. Failure to do so may result in the dismissal of this
13 action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

14 7. Upon a showing of good cause, requests for a reasonable extension of time will
15 be granted provided they are filed on or before the deadline they seek to extend.

16 8. Barno's application to proceed *in forma pauperis* (Dkt. No. 2) is GRANTED.

17 9. The Clerk shall terminate Dkt. No. 2.

18 **IT IS SO ORDERED.**

19 **Dated:** December 4, 2017


WILLIAM H. ORRICK
United States District Judge

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