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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARON M. LOGWOOD,
Petitioner,
v.
DAVID BAUGHMAN,
Respondent.

Case No. [17-cv-05728-JSC](#)

ORDER TO SHOW CAUSE

Re: Dkt. No. 1

Petitioner, a prisoner of the State of California, filed a habeas corpus petition pursuant to 28 U.S.C. § 2254. Petitioner has paid the \$5.00 filing fee. His petition sets forth four claims challenging the constitutionality of Petitioner's conviction in state court: (1) improper jury instruction in violation of the fifth and fourteenth amendment right to due process; (2) ineffective assistance in violation of the sixth amendment right to counsel and a fair trial; (3) admittance of certain evidence in violation of the fifth amendment right to due process; (4) an unconstitutionally lengthy sentence in violation of the eighth amendment prohibition of harsh and unusual punishment.

These claims, when liberally construed, are cognizable and potentially meritorious. Good cause appearing, Respondent is hereby ordered to show cause why the petition should not be granted.

To facilitate the resolution of this case, it is further ordered as follows:

1. The Clerk shall serve respondent and the respondent's attorney, the Attorney General of the State of California, with a copy of this order and the petition with all attachments.

2. Consistent with Habeas Local Rule 2254-6, Respondent shall file with the court and serve on petitioner, within 60 days of service of the petition and this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of

1 habeas corpus should not be granted based on the claims found cognizable herein. Respondent
2 shall file with the answer and serve on petitioner a copy of all portions of the state trial record that
3 have been transcribed previously and that are relevant to a determination of the issues presented
4 by the petition.

5 If petitioner wishes to respond to the answer, he shall do so by filing a traverse with the
6 court and serving it on Respondent within 30 days of the date the answer is filed.

7 3. Respondent may file, within 60 days, a motion to dismiss on procedural grounds in lieu
8 of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
9 Section 2254 Cases. If respondent files such a motion, petitioner shall file with the court and
10 serve on respondent an opposition or statement of non-opposition within 30 days of the date the
11 motion is filed, and respondent shall file with the court and serve on petitioner a reply within 14
12 days of the date any opposition is filed.

13 4. The Clerk shall send a notice to petitioner and respondent regarding consenting to the
14 jurisdiction of a magistrate judge.

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IT IS SO ORDERED.

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Dated: October 6, 2017

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JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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