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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADRIAN LOPEZ,
Plaintiff,
v.
WARREN L. MONTGOMERY, et al.,
Defendants.

Case No. [18-cv-01333-MEJ](#)
ORDER TO SHOW CAUSE

Petitioner, who is in custody, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court has reviewed the petition and concludes that it warrants a response.¹ Accordingly, IT IS HEREBY ORDERED as follows:

- (1) The Clerk of Court shall serve a copy of the Petition and this Order upon Respondent(s) and the Attorney General of the State of California. *See* 28 U.S.C. § 2254, Rule 4.
- (2) Respondent(s) shall then file and serve an answer in accordance with 28 U.S.C. § 2254, Rule 5 and Habeas Corpus Local Rule 2254-6. Respondent(s) shall file with the answer and serve on Petitioner a copy of all portions of the underlying state criminal record that were previously transcribed and are relevant to the issues presented by the petition.
- (3) Petitioner may serve and file a traverse responding to matters raised in the answer in accordance with 28 U.S.C. § 2254, Rule 5 and Habeas Corpus Local Rule 2254-6.
- (4) Respondent(s) may file a motion to dismiss on procedural grounds in lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If such a motion is filed, Petitioner shall file with the Court and serve on

¹ While not alleged in the Petition, Petitioner was convicted in Alameda County Superior Court. *See People v. Lopez*, 2015 WL 4575896, at *1 (Cal. Ct. App. July 30, 2015). The Court takes judicial notice of this opinion. *See Lee v. City of Los Angeles*, 250 F.3d 668, 690 (9th Cir. 2001).

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Respondent(s) an opposition or statement of non-opposition within 28 days of the date the motion is filed, and Respondent(s) shall file with the Court and serve on Petitioner a reply within 14 days of the date any opposition is filed.

The Clerk shall serve by mail a copy of this Order and the Petition upon the Respondent and the Respondent's attorney, the Attorney General of the State of California.

IT IS SO ORDERED.

Dated: March 6, 2018



MARIA-ELENA JAMES
United States Magistrate Judge