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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PRINCE F. TSETSE,

No. C 18-1876 WHA (PR)

Petitioner,

**ORDER TO SHOW CAUSE**

v.

ROBERT NEUSCHMID,

Respondent.

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Petitioner, a California prisoner proceeding pro se, filed this habeas petition under 28 U.S.C. § 2254 challenging his conviction in state court. Petitioner timely filed an amended petition claiming that he received ineffective assistance of counsel at trial, which claim was presented to and denied by the California Supreme Court. This is a cognizable claim for federal habeas relief. Petitioner has filed a notice indicating that he does not wish to seek a stay to exhaust additional claims and instead wants to proceed with the amended petition.

Accordingly, it is hereby ordered as follows:

1. The Clerk shall mail a copy of this order and the amended petition with all attachments to the respondent and the respondent's attorney, the Attorney General of the State of California. The clerk shall also serve a copy of this order on the petitioner.

2. Respondent shall file with the court and serve on petitioner, within **sixty-three (63) days** of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted based on the claim in the amended petition. Respondent shall file with the answer and

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serve on petitioner a copy of all portions of the state prison disciplinary proceedings that are relevant to a determination of the issues presented by the petition.


If petitioner wishes to respond to the answer, she shall do so by filing a traverse with the court and serving it on respondent within **twenty-eight days** of the date the answer is filed.

3. Respondent may file, within **sixty-three (63) days**, 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 respondent files such a motion, petitioner shall file with the court and serve on respondent an opposition or statement of non-opposition within **twenty-eight days** of the date the motion is filed, and respondent shall file with the court and serve on petitioner a reply within **fourteen days** of the date any opposition is filed.

4. Petitioner is reminded that all communications with the court must be served on respondent by mailing a true copy of the document to respondent's counsel. Petitioner must keep the court informed of any change of address and must comply with the court's orders in a timely fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

Dated: November 8, 2018.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE