

1 this Order, an Answer conforming in all respects to Rule 5 of the
2 Rules Governing Section 2254 Cases, showing cause why a writ of
3 habeas corpus should not be issued. Respondent shall file with the
4 Answer a copy of all portions of the relevant state records that
5 have been transcribed previously and that are relevant to a
6 determination of the issues presented by the petition.

7 3. If Petitioner wishes to respond to the Answer, he shall
8 do so by filing a Traverse with the Court and serving it on
9 Respondent within sixty (60) days of his receipt of the Answer.
10 Should Petitioner fail to do so, the petition will be deemed
11 submitted and ready for decision sixty (60) days after the date
12 Petitioner is served with Respondent's Answer.

13 4. Respondent may file a motion to dismiss on procedural
14 grounds in lieu of an Answer, as set forth in the Advisory
15 Committee Notes to Rule 4 of the Rules Governing Section 2254
16 Cases. If Respondent files such a motion, Petitioner shall file
17 with the Court and serve on Respondent an opposition or statement
18 of non-opposition to the motion within sixty (60) days of receipt
19 of the motion, and Respondent shall file with the Court and serve
20 on Petitioner a reply within fifteen (15) days of receipt of any
21 opposition.

22 5. It is Petitioner's responsibility to prosecute this case.
23 Petitioner must keep the Court and Respondent informed of any
24 change of address and must comply with the Court's orders in a
25 timely fashion. Petitioner must also serve on Respondent's counsel
26 all communications with the Court by mailing a true copy of the
27 document to Respondent's counsel.

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1 6. Extensions of time are not favored, though reasonable
2 extensions will be granted. Any motion for an extension of time
3 must be filed no later than ten (10) days prior to the deadline
4 sought to be extended.

5 7. The Clerk of the Court is directed to substitute Warden
6 Curry as the sole respondent in this action.

7 IT IS SO ORDERED.

8 Dated: 9/2/08



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MATTHEW A JAY,
5 Plaintiff,

Case Number: CV08-01998 CW

CERTIFICATE OF SERVICE

6 v.

7 ARNOLD SCHWARZENEGGER et al,
8 Defendant.

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on September 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

14 Matthew Adam Jay D-55653
15 Correctional Training Facility
16 P.O. Box 689
17 Soledad, CA 93960

16 BEN CURRY, Warden
17 Correctional Training Facility
18 P.O. Box 689
19 Soledad, CA 93960

19 Attorney General
20 State of California
21 455 Golden Gate Avenue, #11000
22 San Francisco, CA 94102

22 Dated: September 2, 2008

23 Richard W. Wieking, Clerk
24 By: Sheilah Cahill, Deputy Clerk