1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN LIEBB,

No. C 08-02643 CW (PR)

Petitioner,

ORDER TO SHOW CAUSE

v.

R. AYERS Jr., Warden,

Respondent.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the \$5.00 filing fee. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

- The Clerk of the Court shall serve a copy of this Order 1. and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.
- Respondent shall file with this Court and serve upon 2. Petitioner, within one-hundred twenty (120) 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 issued. Respondent shall file with the

Answer a copy of all portions of the relevant state records that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

- 3. If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and serving it on Respondent within <u>sixty (60) days</u> of his receipt of the Answer. Should Petitioner fail to do so, the petition will be deemed submitted and ready for decision <u>sixty (60) days</u> after the date Petitioner is served with Respondent's Answer.
- 4. Respondent 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 Respondent files such a motion, Petitioner shall file with the Court and serve on Respondent an opposition or statement of non-opposition to the motion within sixty (60) days of receipt of the motion, and Respondent shall file with the Court and serve on Petitioner a reply within fifteen (15) days of receipt of any opposition.
- 5. It is Petitioner's responsibility to prosecute this case. Petitioner must keep the Court and Respondent informed of any change of address and must comply with the Court's orders in a timely fashion. Petitioner must also serve on Respondent's counsel all communications with the Court by mailing a true copy of the document to Respondent's counsel.
- 6. Extensions of time are not favored, though reasonable extensions will be granted. Any motion for an extension of time

United States District Court For the Northern District of California

1	must be filed no later than ten (10) days prior to the deadline
2	sought to be extended.
3	IT IS SO ORDERED.
4	Dated: 10/8/08 Cardiulian
5	CLAUDIA WILKEN UNITED STATES DISTRICT JUDGE
6	UNITED STATES DISTRICT UUDGE
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

1	UNITED STATES DISTRICT COURT FOR THE
2	NORTHERN DISTRICT OF CALIFORNIA
3	STEPHEN LIEBB, Case Number: CV08-02643 CW
5	Plaintiff, CERTIFICATE OF SERVICE v.
6 7	R. AYERS JR. et al,
8	Defendant/
9	I the undersigned hereby certify that I am an ampleyee in the Office of the Clark IIS District
10	I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.
11 12	That on October 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
13	in the Člerk's office.
14	
15 16	Samuel S. Song Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105
171819	Stephen Liebb C-60825 San Quentin State Prison San Quentin, CA 94974
20 21	
22 23	Attorney General State of California 455 Golden Gate Avenue, #11000 San Francisco, CA 94102
2425	Dated: October 8, 2008 Richard W. Wieking, Clerk By: Sheilah Cahill, Deputy Clerk
2627	

4

28