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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALEX MONETTE,  
Petitioner,

No. C 08-2880 PJH

v.

**ORDER FOR BRIEFING RE:  
MOTION TO DISMISS**

NICK DAWSON, Warden,  
Respondent.

On October 9, 2007, Alex Monette, a state prisoner, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 with the United States District Court for the Eastern District of California. On June 6, 2008, the case was transferred to this district because the conviction challenged was entered in the Monterey County Superior Court, and on June 9, 2008, the case was assigned to the undersigned judge. Currently before the court is respondent's November 17, 2008 motion to dismiss Monette's petition on the grounds that it is untimely. Monette is hereby ORDERED to file and serve a response to respondent's motion to dismiss within twenty-eight days of the date of this order. Respondent's reply, if any, is due no later than fourteen days after service of Monette's response.

**IT IS SO ORDERED.**

Dated: November 21, 2008



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PHYLLIS J. HAMILTON  
United States District Judge

**United States District Court**  
For the Northern District of California