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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEVILLE PORRAS,

No. C 08-03006 CW (PR)

Petitioner,

ORDER TO SHOW CAUSE

v.

BEN CURRY, 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:

1. The Clerk of the Court shall serve a copy of this Order 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.

2. Respondent shall file with this Court and serve upon 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

1 Respondent within sixty (60) days of his receipt of the Answer.
2 Should Petitioner fail to do so, the petition will be deemed
3 submitted and ready for decision sixty (60) days after the date
4 Petitioner is served with Respondent's Answer.

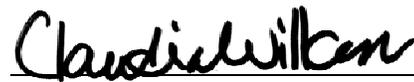
5 4. Respondent may file a motion to dismiss on procedural
6 grounds in lieu of an Answer, as set forth in the Advisory
7 Committee Notes to Rule 4 of the Rules Governing Section 2254
8 Cases. If Respondent files such a motion, Petitioner shall file
9 with the Court and serve on Respondent an opposition or statement
10 of non-opposition to the motion within sixty (60) days of receipt
11 of the motion, and Respondent shall file with the Court and serve
12 on Petitioner a reply within fifteen (15) days of receipt of any
13 opposition.

14 5. It is Petitioner's responsibility to prosecute this case.
15 Petitioner must keep the Court and Respondent informed of any
16 change of address and must comply with the Court's orders in a
17 timely fashion. Petitioner must also serve on Respondent's counsel
18 all communications with the Court by mailing a true copy of the
19 document to Respondent's counsel.

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

24 IT IS SO ORDERED.

25 Dated: 12/30/08



26 CLAUDIA WILKEN
27 UNITED STATES DISTRICT JUDGE
28

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

4 NEVILLE PORRAS,

5 Plaintiff,

6 v.

7 BEN CURRY et al,

8 Defendant.

Case Number: CV08-03006 CW

CERTIFICATE OF SERVICE

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 December 30, 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.

15 Neville Porras E-37606
16 Y337
17 Correctional Training Facility
18 P.O. Box 689
19 Soledad, CA 93960-0689

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

24 Ben Curry, Warden
25 Correctional Training Facility
26 P.O. Box 686
27 Soledad, CA 93960-0686

28 Dated: December 30, 2008

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