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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OUINCY T. POWELL,

v.

No. C 08-04011 CW (PR)

Petitioner,

ORDER TO SHOW CAUSE

JAMES A. YATES, 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 <u>one-hundred twenty (120) days</u> of the issuance of

¹ James A. Yates, the current warden of the prison where Petitioner is incarcerated, has been substituted as Respondent in place of Petitioner's prior custodian pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

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.

United States District Court For the Northern District of California

	6.	Extensions	of time	e are	not	favore	d, t	hough	reas	sona	ble
ext	ension	s will be g	ranted.	Any	moti	on for	an	exten	sion	of	time
mus	t be f	iled no late	er than	ten	(10)	days p	rior	to t	he de	eadl	ine
sou	ght to	be extended	d.								
	T. T.	c co oppede									

IT IS SO ORDERED.

Dated: 12/16/08

Claudia Wilken
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT 1 FOR THE NORTHERN DISTRICT OF CALIFORNIA 2 3 QUINCY T POWELL, 4 Case Number: CV08-04011 CW Plaintiff, 5 **CERTIFICATE OF SERVICE** v. 6 SAN QUENTIN STATE PRISON et al, 7 Defendant. 8 9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. 10 That on December 16, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said 11 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 12 in the Clerk's office. 13 14 Quincy T. Powell E-24418 15 Pleasant Valley State Prison P.O. Box 8503 16 Coalinga, CA 93210 17 Attorney General State of California 18 455 Golden Gate Avenue, #11000 San Francisco, CA 94102 19 James Yates, Warden 20 Pleasant Valley State Prison 21 P.O. Box 8500 Coalinga, CA 93210 22 23 Dated: December 16, 2008 24 Richard W. Wieking, Clerk By: Sheilah Cahill, Deputy Clerk 25 26

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