

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

4 JOSE D. CARBAJAL, No. C 08-04501 CW (PR)
5 Petitioner, ORDER TO SHOW CAUSE
6 v.
7 B. CURRY, Warden, et al.,
8 Respondents.

9
10 Petitioner, a state prisoner, has filed this petition for a
11 writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid
12 the \$5.00 filing fee. It does not appear from the face of the
13 petition that it is without merit. Good cause appearing, the Court
14 hereby issues the following orders:

15 1. The Clerk of the Court shall serve a copy of this Order
16 and the petition and all attachments thereto upon Respondent and
17 Respondent's attorney, the Attorney General of the State of
18 California. The Clerk shall also serve a copy of this Order on
19 Petitioner at his current address.

20 2. Respondent shall file with this Court and serve upon
21 Petitioner, within one-hundred twenty (120) days of the issuance of
22 this Order, an Answer conforming in all respects to Rule 5 of the
23 Rules Governing Section 2254 Cases, showing cause why a writ of
24 habeas corpus should not be issued. Respondent shall file with the
25 Answer a copy of all portions of the relevant state records that
26 have been transcribed previously and that are relevant to a
27 determination of the issues presented by the petition.

28 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: 6/16/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 JOSE D. CARBAJAL,

5 Plaintiff,

6 v.

7 B. CURRY et al,

8 Defendant.

Case Number: CV08-04501 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 June 16, 2009, 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 Jose D. Carbajal D74035
16 P.O. Box 689 - YW315L
Soledad, CA 93960-0684

17 Attorney General
18 State of California
455 Golden Gate Avenue, #11000
San Francisco, CA 94102

19 B. Curry, Warden
20 P.O. Box 686
21 Soledad, CA 93960-0686

22 Dated: June 16, 2009

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