

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTOINE ARDDS,

No. C 08-04514 SBA (PR)

Petitioner,

V.

M. S. EVANS, Warden, et al.,

**ORDER GRANTING *IN FORMA*
PAUPERIS STATUS AND DIRECTING
RESPONDENT TO SHOW CAUSE WHY
THE PETITION SHOULD NOT BE
GRANTED**

Respondents.

Unit
For the N
17 Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28
18 U.S.C. § 2254. Petitioner also seeks leave to proceed in forma pauperis. It does not appear from the
19 face of the petition that it is without merit. Good cause appearing, the Court hereby issues the
20 following orders:

21 1. Petitioner's application to proceed in forma pauperis is GRANTED.

22 2. The Clerk of the Court shall serve a copy of this Order and the petition and all

23 attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State

24 of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.

25 3. Respondent shall file with this Court and serve upon Petitioner, within **one-hundred**

26 **and twenty (120) days** of the issuance of this Order, an Answer conforming in all respects to Rule 5

27 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not

28 be issued. Respondent shall file with the Answer a copy of all portions of the relevant state records

1 that have been transcribed previously and that are relevant to a determination of the issues presented
2 by the petition.

3 4. If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with
4 the Court and serving it on Respondent within **sixty (60) days** of his receipt of the Answer. Should
5 Petitioner fail to do so, the petition will be deemed submitted and ready for decision **sixty (60) days**
6 after the date Petitioner is served with Respondent's Answer.

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

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

17 7. Extensions of time are not favored, though reasonable extensions will be granted.
18 Any motion for an extension of time must be filed no later than **ten (10) days** prior to the deadline
19 sought to be extended.

20 IT IS SO ORDERED.

21 DATED: 4/22/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

23
24
25
26
27
28

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

4

5

6 ANTOINE ARDDS,

Case Number: CV08-04514 SBA

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 M.S. EVANS et al,

10 Defendant.

11

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

13

14 That on April 23, 2009, 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 in the Clerk's office.

15

16

17 Antione L. Ardds P-59915
18 Salinas Valley State Prison
19 P.O. Box 1050
Soledad, CA 93960-1050

20 Dated: April 23, 2009

21 Richard W. Wiking, Clerk
By: LISA R CLARK, Deputy Clerk

22

23

24

25

26

27

28