

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

3  
4 JOSE NARANJIO,

No. C 08-04769 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: 6/17/09



---

CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

26

27

28

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

4 JOSE NARANJIO,

5 Plaintiff,

6 v.

7 B. CURRY et al,

8 Defendant.

Case Number: CV08-04769 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 17, 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.

14 Jose Naranjio E-45614  
15 CTF-Central Soledad State Prison  
16 P.O. Box 689  
17 Soledad, CA 93960-0689

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

19 B. Curry, Warden  
20 CTF-Central Soledad State Prison  
21 P.O. Box 689  
22 Soledad, CA 93960-0689

21 *Board of Parole Hearings*  
22 Post Office Box 4036  
23 Sacramento, CA 95812-4036

24  
25 Dated: June 17, 2009

26 Richard W. Wieking, Clerk

27 By: Sheilah Cahill, Deputy Clerk