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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM L. EVINS,

No. C 09-01345 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 sixty (60) 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 thirty (30) 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 thirty (30) days after the date
4 Petitioner is served with Respondent's Answer.

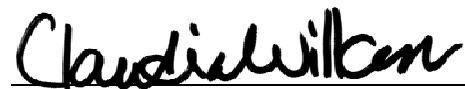
5 4. Respondent may file a motion to dismiss on procedural
6 grounds in lieu of an Answer, as set forth in the Advisory
7 Committee Notes to Rule 4 of the Rules Governing Section 2254
8 Cases. If Respondent files such a motion, Petitioner shall file
9 with the Court and serve on Respondent an opposition or statement
10 of non-opposition to the motion within thirty (30) 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: 8/25/09



26 CLAUDIA WILKEN
27 UNITED STATES DISTRICT JUDGE
28

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

4 WILLIAM L. EVINS,
5 Plaintiff,

Case Number: CV09-01345 CW

CERTIFICATE OF SERVICE

6 v.

7 BEN CURRY et al,
8 Defendant.

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 August 25, 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 William L. Evins
16 D14797; Z-120-L
17 P.O. Box 689
18 Soledad, CA 93960

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

23 Ben Curry, Warden
24 P.O. Box 686
25 Soledad, CA 93960-0686

26 Dated: August 25, 2009

Richard W. Wieking, Clerk

By: Sheilah Cahill, Deputy Clerk