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

JOSE A. LOZANO,

Petitioner,

v.

BEN CURRY, Warden,

Respondent.

No. C 09-01461 CW (PR)

ORDER LIFTING STAY AND
DIRECTING RESPONDENT TO SHOW
CAUSE WHY THE WRIT SHOULD NOT
BE GRANTED

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 23, 2009, the Court issued an Order granting Petitioner's request for a stay of proceedings while he returned to state court to exhaust his administrative remedies. On September 3, 2009, Petitioner informed the Court that his state proceedings had concluded, and he filed a first amended habeas petition containing his exhausted claims.

Before the Court are Petitioner's motion to lift the stay and his implied motion for leave to file his first amended petition.

Good cause appearing, Petitioner's motion to lift the stay is GRANTED. Petitioner is also GRANTED leave to file his first amended petition. The Clerk of the Court is directed to mark Petitioner's first amended petition as filed on September 3, 2009, the date it was received.

The Clerk of the Court shall REOPEN this case and serve a copy of this Order and the first amended 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 most current address.

1 Respondent shall file with this Court and serve upon
2 Petitioner, within sixty (60) days of the issuance of this Order,
3 an answer conforming in all respects to Rule 5 of the Rules
4 Governing Section 2254 Cases, showing cause why a writ of habeas
5 corpus should not be issued. Respondent shall file with the answer
6 a copy of all portions of the state trial record that have been
7 transcribed previously and that are relevant to a determination of
8 the issues presented by the petition.

9 If Petitioner wishes to respond to the answer, he shall do so
10 by filing a traverse with the Court and serving it on Respondent
11 within thirty (30) days of his receipt of the answer. Otherwise,
12 the petition will be deemed submitted and ready for decision thirty
13 days after the date Petitioner is served with Respondent's answer.

14 Petitioner is reminded that all communications with the Court,
15 whether by way of formal legal motions or informal letters, must be
16 served on Respondent by mailing a true copy of the document to
17 Respondent's counsel.

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

22 This Order terminates Docket no. 9.

23 IT IS SO ORDERED.

24 Dated: 2/12/10



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 A. LOZANO,
5 Plaintiff,

Case Number: CV09-01461 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 February 12, 2010, 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 A. Lozano F-75812
16 Salinas Valley State Prison
17 P.O. Box 1050
18 Soledad, CA 93960-1060

19 Warden
20 Salinas Valley State Prison
21 P.O. Box 1050
22 Soledad, CA 93960-1060

23 Attorney General
24 State of California
25 455 Golden Gate Avenue, #11000
26 San Francisco, CA 94102

27 Dated: February 12, 2010

28 Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk