IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHAHPOR GHOBADI,

No. C 09-02459 CW (PR)

Petitioner,

ORDER TO SHOW CAUSE

v.

STATE OF CALIFORNIA,

Respondent.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has been granted leave to proceed in forma pauperis. 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 one-hundred twenty (120) 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

Respondent within <u>sixty (60) days</u> of his receipt of the Answer. Should Petitioner fail to do so, the petition will be deemed submitted and ready for decision <u>sixty (60) days</u> after the date Petitioner is served with Respondent's Answer.

- 4. Respondent may file with this Court and serve upon Petitioner, within sixty (60) days of the issuance of this Order, a motion to dismiss on procedural grounds in lieu of an Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court and serve on Respondent an opposition or statement of non-opposition to the motion within sixty (60) days of receipt of the motion, and Respondent shall file with the Court and serve on Petitioner a reply within fifteen (15) days of receipt of any opposition.
- 5. It is Petitioner's responsibility to prosecute this case. Petitioner must keep the Court and Respondent informed of any change of address and must comply with the Court's orders in a timely fashion. Petitioner must also serve on Respondent's counsel all communications with the Court by mailing a true copy of the document to Respondent's counsel.
- 6. Extensions of time are not favored, though reasonable extensions will be granted. Any motion for an extension of time must be filed no later than ten (10) days prior to the deadline sought to be extended.

IT IS SO ORDERED.

Dated: 2/23/10

Claudictvillen

CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT

2	FOR THE NORTHERN DISTRICT OF CALIFORNIA
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4	SHAHPOR GHOBADI, Case Number: CV09-02459 CW
5	Plaintiff, CERTIFICATE OF SERVICE
6	V.
7	STATE OF CALIFORNIA et al,
8	Defendant.
9 10	I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.
11 12	That on February 23, 2010, 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
13	in the Clerk's office.
14	
15 16	Shahpor Ghobadi F-18677 CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY (5242) P.O. BOX 5242 CORCORAN, CA 93212-5242
17 18	Attorney General State of California 455 Golden Gate Avenue, #11000 San Francisco, CA 94102
19 20	Warden
21	CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY (5242) P.O. BOX 5242 CORCORAN, CA 93212-5242
22	Dated: February 23, 2010
23	Richard W. Wieking, Clerk By: Sheilah Cahill, Deputy Clerk
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25	
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