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

CHRISTY TAN,

No. C 09-03905 SBA (PR)

Petitioner,

**ORDER TO SHOW CAUSE**

v.

PAUL COPENHAVER, Warden, et al.,

Respondents.

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Petitioner, a federal prisoner, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has paid the \$5.00 filing fee.

A district court may entertain a petition for a writ of habeas corpus challenging the execution of a federal sentence only on the ground that the sentence is being executed "in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); United States v. Giddings, 740 F.2d 770, 772 (9th Cir. 1984).

The court should "award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false. Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) (quoting Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)).

1 It does not appear from the face of the petition that it is without merit. Good cause  
2 appearing, the Court hereby issues the following orders:

3 1. The Clerk of the Court shall serve a copy of this Order and the petition and all  
4 attachments thereto upon Respondent and Respondent's attorney, the United States Attorney for the  
5 Northern District of California. The Clerk shall send a copy of the petition to the Attorney General  
6 of the United States in Washington, D.C. The Clerk shall also serve a copy of this Order on  
7 Petitioner.

8 2. Respondent shall file with this Court and serve upon Petitioner, within **sixty (60)**  
9 **days** of the issuance of this Order, an Answer showing cause why a writ of habeas corpus should not  
10 be issued. The respondent shall file with the answer a copy of all documents that are relevant to a  
11 determination of the issues presented by the petition.

12 3. If Petitioner wishes to respond to the Answer, Petitioner shall do so by filing a  
13 Traverse with the Court and serving it on Respondent within **thirty (30) days** of receiving the  
14 Answer. Should Petitioner fail to do so, the petition will be deemed submitted and ready for  
15 decision **thirty (30) days** after the date Petitioner is served with Respondent's Answer.

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

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

23 IT IS SO ORDERED.

24 DATED: 3/5/10

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

CHRISTY TAN,  
Plaintiff,

v.

PAUL COPENHAVER et al,  
Defendant.

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Case Number: CV09-03905 SBA

**CERTIFICATE OF SERVICE**

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

That on March 8, 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 in the Clerk's office.

Christy Tan 16623-097  
Federal Prison Camp Dublin  
5675 8<sup>th</sup> Street  
Camp Parks  
Dublin, CA 94568

Dated: March 8, 2010

Richard W. Wiekling, Clerk  
By: LISA R CLARK, Deputy Clerk