

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

3
4 NEVILLE PORRAS,

No. C 09-04936 CW (PR)

5 Petitioner,

ORDER TO SHOW CAUSE

6 v.

7 RANDY GROUNDS, Acting Warden,

8 Respondent.
_____ /

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.¹ 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

27 _____
28 ¹ Petitioner named C. Noll as Respondent in this action. Randy Grounds has been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 have been transcribed previously and that are relevant to a
2 determination of the issues presented by the petition.

3 3. If Petitioner wishes to respond to the Answer, he shall
4 do so by filing a Traverse with the Court and serving it on
5 Respondent within sixty (60) days of his receipt of the Answer.
6 Should Petitioner fail to do so, the petition will be deemed
7 submitted and ready for decision sixty (60) days after the date
8 Petitioner is served with Respondent's Answer.

9 4. Respondent may file with this Court and serve upon
10 Petitioner, within sixty (60) days of the issuance of this Order, a
11 motion to dismiss on procedural grounds in lieu of an Answer, as
12 set forth in the Advisory Committee Notes to Rule 4 of the Rules
13 Governing Section 2254 Cases. If Respondent files such a motion,
14 Petitioner shall file with the Court and serve on Respondent an
15 opposition or statement of non-opposition to the motion within
16 sixty (60) days of receipt of the motion, and Respondent shall file
17 with the Court and serve on Petitioner a reply within fifteen (15)
18 days of receipt of any opposition.

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

25 6. Extensions of time are not favored, though reasonable
26 extensions will be granted. Any motion for an extension of time
27
28

1 must be filed no later than ten (10) days prior to the deadline
2 sought to be extended.

3 7. The Clerk of the Court is directed to substitute Randy
4 Grounds as Respondent in this action.

5 IT IS SO ORDERED.

6 Dated: 3/17/2010



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

4 NEVILLE PORRAS,

5 Plaintiff,

6 v.

7 C. NOLL et al,

8 Defendant.

Case Number: CV09-04936 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 March 17, 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
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
14 receptacle located in the Clerk's office.

15 Neville Porras E-37606
16 Correctional Training Facility
17 YW-337
18 P.O. Box 689
19 Soledad, CA 93960-0689

20 Warden
21 Correctional Training Facility
22 P.O. Box 689
23 Soledad, CA 93960-0689

24 Attorney General
25 State of California
26 455 Golden Gate Ave., Suite 11000
27 San Francisco, CA 94102

28 Dated: March 17, 2010

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