1 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE NORTHERN DISTRICT OF CALIFORNIA 8 CORINA CUNNINGHAM, No. C 09-04950 CW (PR) 9 Petitioner, ORDER TO SHOW CAUSE 10 v. 11 PAUL COPENHAVER, Warden, et al., 12 Respondents. 13 14 Petitioner, a federal prisoner, has filed a pro se petition 15 for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. 16 Petitioner has paid the \$5.00 filing fee. 17 A district court may entertain a petition for a writ of habeas 18 corpus challenging the execution of a federal sentence only on the 19 ground that the sentence is being executed "in violation of the 20 Constitution or laws or treaties of the United States." 28 U.S.C. 21 § 2241(c)(3); <u>United States v. Giddings</u>, 740 F.2d 770, 772 (9th 22 Cir. 1984). 23 The court should "award the writ or issue an order directing 24 the respondent to show cause why the writ should not be granted, 25 unless it appears from the application that the applicant or person 26 detained is not entitled thereto." 28 U.S.C. § 2243. Summary 27 dismissal is appropriate only where the allegations in the petition

are vague or conclusory, palpably incredible, or patently frivolous

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For the Northern District of California **United States District Court**

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1 or false. Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) 2 (quoting Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)).

3 It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the 4 5 following orders:

1. The Clerk of the Court shall serve a copy of this Order 6 and the petition and all attachments thereto upon Respondent and 8 Respondent's attorney, the United States Attorney for the Northern 9 District of California. The Clerk shall send a copy of the petition to the Attorney General of the United States in 10 11 Washington, D.C. The Clerk shall also serve a copy of this Order 12 on Petitioner.

13 2. Respondent shall file with this Court and serve upon Petitioner, within sixty (60) days of the issuance of this Order, 14 15 an Answer showing cause why a writ of habeas corpus should not be 16 issued. The respondent shall file with the answer a copy of all documents that are relevant to a determination of the issues 17 18 presented by the petition.

19 3. If Petitioner wishes to respond to the Answer, Petitioner 20 shall do so by filing a Traverse with the Court and serving it on 21 Respondent within thirty (30) days of receiving the Answer. Should Petitioner fail to do so, the petition will be deemed submitted and 22 23 ready for decision thirty (30) days after the date Petitioner is 24 served with Respondent's Answer.

25 4. It is Petitioner's responsibility to prosecute this case. 26 Petitioner must keep the Court and Respondent informed of any 27 change of address and must comply with the Court's orders in a 28 timely fashion. Petitioner must also serve on Respondent's counsel

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1	all communications with the Court by mailing a true copy of the
2	document to Respondent's counsel.
3	5. Extensions of time are not favored, though reasonable
4	extensions will be granted. Any motion for an extension of time
5	must be filed no later than <u>ten (10) days</u> prior to the deadline
6	sought to be extended.
7	IT IS SO ORDERED. Chadidulla
8	Dated: 3/17/2010 CLAUDIA WILKEN
9	UNITED STATES DISTRICT JUDGE
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United States District Court For the Northern District of California

1	UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA
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4	CORINA CUNNINGHAM, Case Number: CV09-04950 CW
5	Plaintiff, V.
6	V. PAUL COPENHAVER et al,
7	Defendant.
8	/
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	That on March 17, 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.
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13	receptacle located in the clerk's office.
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15	Corina Cunningham Reg. No. 15248-006 Satellite Prison Camp 5675 8th Street - Camp Parks Dublin, CA 94568
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17	Warden
18 19	Satellite Prison Camp 5675 8th Street - Camp Parks Dublin, CA 94568
20	U. S. Attorney 450 Golden Gate Ave.
21	San Francisco, CA 94102
22	Attorney General U. S. Department of Justice Washington, D. C. 20530
23	
24	Dated: March 17, 2010
25	Richard W. Wieking, Clerk By: Sheilah Cahill, Deputy Clerk
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