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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JUAN M.CHAVEZ,

Petitioner,

No. C 10-1818 PJH (PR)

vs.

ORDER TO SHOW CAUSE

RANDY GROUNDS, Warden,

Respondent.

Petitioner, a California prisoner currently incarcerated at the Correctional Training Facility in Soledad, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the filing fee.

The petition attacks denial of parole, so venue is proper in this district, which is where petitioner is confined. See 28 U.S.C. § 2241(d).

BACKGROUND

In 1993 petitioner was convicted of second degree murder and was sentenced to prison for fifteen years to life. This petition is directed to a denial of parole on March 5, 2009. He claims to have exhausted these claims by way of state habeas petitions.

Petitioner has had four cases in this court. Number C 07-05312 PJH (PR), *In re Chavez*, was dismissed as opened in error. Number C 07-5512 PJH (PR), *Chavez v. Curry*, was directed to a March 5, 2007, denial, and number C 08-4688 PJH (PR), *Chavez v. Curry*, was directed to a April 12, 2006, denial. The court recently denied the petitions in those two cases. The fourth case is this one.

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

7 If petitioner wishes to respond to the answer, he shall do so by filing a traverse with
8 the court and serving it on respondent within thirty days of his receipt of the answer.

9 3. Respondent may file a motion to dismiss on procedural grounds in lieu of an
10 answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
11 Section 2254 Cases. If respondent files such a motion, petitioner shall file with the court
12 and serve on respondent an opposition or statement of non-opposition within thirty days of
13 receipt of the motion, and respondent shall file with the court and serve on petitioner a reply
14 within fifteen days of receipt of any opposition.

15 4. Petitioner is reminded that all communications with the court must be served on
16 respondent by mailing a true copy of the document to respondent's counsel. Petitioner
17 must keep the court informed of any change of address and must comply with the court's
18 orders in a timely fashion. Failure to do so may result in the dismissal of this action for
19 failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). See *Martinez v.*
20 *Johnson*, 104 F.3d 769, 772 (5th Cir. 1997) (Rule 41(b) applicable in habeas cases).

21 **IT IS SO ORDERED.**

22 Dated: October 26, 2010.



PHYLLIS J. HAMILTON
United States District Judge