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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 ALEX IVEY,

7 Petitioner,

8 vs.

9 MIKE McDONALD, Warden,

10 Respondent.

Case No: C 10-5828 SBA (PR)

ORDER TO SHOW CAUSE

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12 Through counsel, Petitioner, a state prisoner, has filed a petition for a writ of habeas
13 corpus pursuant to 28 U.S.C. § 2254. Good cause appearing, the Court hereby issues the
14 following orders:

15 1. The Clerk of the Court shall serve a copy of this Order and the petition and all
16 attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the
17 State of California. The Clerk shall also serve a copy of this Order on Petitioner's counsel,
18 James Kyle Gee, 2626 Harrison St., Oakland, CA 94612.

19 2. Respondent shall file with this Court and serve upon Petitioner, within one-
20 hundred and twenty (120) days of the issuance of this Order, an Answer conforming in all
21 respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of
22 habeas corpus should not be issued. Respondent shall file with the Answer a copy of all
23 portions of the relevant state records that have been transcribed previously and that are relevant
24 to a determination of the issues presented by the petition.

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

1 4. Respondent may file a motion to dismiss on procedural grounds in lieu of an
2 Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
3 Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court and
4 serve on Respondent an opposition or statement of non-opposition to the motion within sixty
5 (60) days of receipt of the motion, and Respondent shall file with the Court and serve on
6 Petitioner a reply within fifteen (15) days of receipt of any opposition.

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

10 IT IS SO ORDERED.

11 Dated: January 10, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

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