

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

3  
4 WILLIE E. LATIMORE,                                    No. C 11-00538 CW (PR)  
5                                    Petitioner,                                    ORDER TO SHOW CAUSE  
6                                    v.  
7 VINCE CULLEN, 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. 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 have been transcribed previously and that are relevant to a  
27 determination of the issues presented by the petition.

28                    3. If Petitioner wishes to respond to the Answer, he shall  
do so by filing a Traverse with the Court and serving it on

1 Respondent within sixty (60) days of his receipt of the Answer.  
2 Should Petitioner fail to do so, the petition will be deemed  
3 submitted and ready for decision sixty (60) days after the date  
4 Petitioner is served with Respondent's Answer.

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

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

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

25 IT IS SO ORDERED.

26 Dated: 4/15/2011



27 CLAUDIA WILKEN  
28 UNITED STATES DISTRICT JUDGE

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

4 WILLIE E LATIMORE,

5 Plaintiff,

6 v.

7 VINCE CULLEN et al,

8 Defendant.

Case Number: CV11-00538 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 April 15, 2011, 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 Willie E. Latimore G37684  
16 San Quentin State Prison  
17 San Quentin, CA 94974

Dated: April 15, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk