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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 JAMES EVANS, JR.,

No. C 11-03129 SBA (PR)

12 Petitioner,

ORDER TO SHOW CAUSE

13 v.

14 CONNIE GIPSON, Acting Warden,

15 Respondent.
16 _____/

17 Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28
18 U.S.C. § 2254. He has been granted leave to proceed in forma pauperis. It does not appear from the
19 face of the petition that it is without merit. Good cause appearing, the Court hereby issues the
20 following orders:

- 21 1. The Clerk of the Court shall serve a copy of this Order and the petition and all
22 attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State
23 of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.
- 24 2. Respondent shall file with this Court and serve upon Petitioner, within **one-hundred**
25 **and twenty (120) days** of the issuance of this Order, an Answer conforming in all respects to Rule 5
26 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not
27 be issued. Respondent shall file with the Answer a copy of all portions of the relevant state records
28 that have been transcribed previously and that are relevant to a determination of the issues presented
by the petition.

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

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

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

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

19 IT IS SO ORDERED.

20 DATED: 11/7/11


SAUNDRA BROWN ARMSTRONG
United States District Judge

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

6 JAMES EVANS JR.,
7 Plaintiff,

Case Number: CV11-03129 SBA

CERTIFICATE OF SERVICE

8 v.

9 STATE OF CA et al,
10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

13 That on November 9, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

16
17 James Evans F-06497
18 California State Prison - Corcoran
19 P.O. Box 8800
Corcoran, CA 93212-8309

20 Dated: November 9, 2011

21 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk
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