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

6 PREN NOTHNAGEL,

No. C 11-03753 CW (PR)

7 Petitioner,

ORDER TO SHOW CAUSE

8 v.

9 CLIFF ALLENBY, Acting Director,  
10 California Department of Mental  
Health,

11 Respondent.  
\_\_\_\_\_ /

12  
13 Petitioner, a civil detainee, has filed this petition for a  
14 writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his  
15 civil commitment proceeding. He has paid the \$5.00 filing fee. It  
16 does not appear from the face of the petition that it is without  
17 merit. Good cause appearing, the Court hereby issues the following  
18 orders:

19 1. The Clerk of the Court shall serve a copy of this Order  
20 and the petition and all attachments thereto upon Respondent and  
21 Respondent's attorney, the Attorney General of the State of  
22 California.<sup>1</sup> The Clerk shall also serve a copy of this Order on  
23 Petitioner at his current address.

24 2. Respondent shall file with this Court and serve upon  
25 Petitioner, within one-hundred twenty (120) days of the issuance of  
26 this Order, an Answer conforming in all respects to Rule 5 of the  
27

28 \_\_\_\_\_  
<sup>1</sup> Cliff Allenby, Acting Director of the California Department of  
Mental Health which operates Coalinga State Hospital, where Petitioner  
is incarcerated, has been substituted as Respondent pursuant to Rule  
25(d) of the Federal Rules of Civil Procedure.

1 Rules Governing Section 2254 Cases, showing cause why a writ of  
2 habeas corpus should not be issued. Respondent shall file with the  
3 Answer a copy of all portions of the relevant state records that  
4 have been transcribed previously and that are relevant to a  
5 determination of the issues presented by the petition.

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

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

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

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

5           IT IS SO ORDERED.

6 Dated:   8/30/2011



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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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

4 PREN NOTHNAGEL,

5 Plaintiff,

6 v.

7 HUMBOLDT COUNTY OF et al,

8 Defendant.

Case Number: CV11-03753 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 August 30, 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 said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
14 in the Clerk's office.

15 Pren Nothnagel 1040 Unit 13  
16 Coalinga State Hospital  
17 P.O. Box 5003  
18 Coalinga, CA 93210-5003

19 Dated: August 30, 2011

20 Richard W. Wiekling, Clerk  
21 By: Nikki Riley, Deputy Clerk  
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