

ARMAND JOSEPH TIANO,  
Petitioner,

v.

RANDY GROUNDS, Warden,  
Respondent.

No. C 11-05011 CW (PR)  
ORDER TO SHOW CAUSE

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his criminal conviction. He has paid the \$5.00 filing fee. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.

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

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: 1/11/2012

27   
CLAUDIA WILKEN  
28 UNITED STATES DISTRICT JUDGE