

1 United States District Court
2 Northern District of California

3
4 PAUL SAMUEL JOHNSON,
5 Petitioner,
6 v.
7 SONOMA COUNTY SHERIFF STEVE
8 FREITAS,
9 Respondent.

Case No.: C 11-6688 CW (PR)
ORDER TO SHOW CAUSE; GRANTING
LEAVE TO PROCEED IN FORMA
PAUPERIS

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

- 15 1. Petitioner's request to proceed in forma pauperis is
16 GRANTED.
- 17 2. The Clerk of the Court shall serve a copy of this Order
18 and the petition and all attachments thereto upon Respondent and
19 Respondent's attorney, the Office of the County Counsel, 575
20 Administration Drive, Room 105-A, Santa Rosa, CA, 95403.¹ The
21 Clerk shall also serve a copy of this Order on Petitioner at his
22 current address.
- 23 3. Respondent shall file with this Court and serve upon
24 Petitioner, within sixty days of the issuance of this Order, an

25 _____
26 ¹ Petitioner was in state prison when he filed this petition,
27 but now is incarcerated at the Sonoma County Jail. In accordance
28 with Rule 2(a) of the Rules Governing § 2254 Proceedings and Rule
25(d)(1) of the Federal Rules of Civil Procedure, the Court
substitutes Steve Freitas, the Sheriff of Sonoma County, as
Respondent, in place of Gary Swarthout and Matthew Cate.

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

7 4. If Petitioner wishes to respond to the Answer, he shall
8 do so by filing a Traverse with the Court and serving it on
9 Respondent within thirty days of his receipt of the Answer.
10 Should Petitioner fail to do so, the petition will be deemed
11 submitted and ready for decision on the date the Traverse is due.

12 5. Respondent may file with this Court and serve upon
13 Petitioner, within fifty-six days of the issuance of this Order,
14 a motion to dismiss on procedural grounds in lieu of an Answer,
15 as set forth in the Advisory Committee Notes to Rule 4 of the
16 Rules Governing Section 2254 Cases.

17 If Respondent files such a motion, Petitioner shall file
18 with the Court and serve on Respondent an opposition or statement
19 of non-opposition to the motion within twenty-eight days of
20 receipt of the motion, and Respondent shall file with the Court
21 and serve on Petitioner a reply within fourteen days of receipt
22 of any opposition.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

8. The Clerk of the Court is directed to change the court docket to substitute Sonoma County Sheriff Steve Freitas as Respondent in place of Respondents Gary Swarthout and Matthew Cate.

IT IS SO ORDERED.

Dated: 8/7/2012


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE