

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

3  
4 PAUL SAMUEL JOHNSON,

No. C 11-6688 CW (PR)

5                                    Petitioner,

ORDER DIRECTING  
RESPONDENT TO FILE  
ANSWER TO PETITION

6                                    v.

7 STEVE FREITAS, SONOMA COUNTY  
8 SHERIFF,

9                                    Respondent.  
10 \_\_\_\_\_/

11                    Petitioner Paul Samuel Johnson filed this pro se petition for  
12 a writ of habeas corpus when he was incarcerated. On December 19,  
13 2012, Respondent moved to dismiss the petition because it  
14 contained an unexhausted claim. Petitioner did not oppose the  
15 motion. On March 19, 2013, the Court found the unexhausted claim  
16 subject to dismissal for failure to state a cognizable ground for  
17 federal habeas corpus relief. Consequently, the Court dismissed  
18 the unexhausted claim and denied the motion to dismiss.

19 Additionally, the Court, aware that Petitioner no longer is  
20 incarcerated, declined to require Respondent to file an answer  
21 addressing the two remaining claims in the petition unless  
22 Petitioner informed the Court of his continued intent to prosecute  
23 this action.

24                    On March 25, 2013, Petitioner notified the Court that he  
25 intends to proceed with the prosecution of the present petition.  
26 Accordingly, the Court orders as follows:

27                    No later than sixty days from the date of this Order,  
28 Respondent shall file with this Court and serve upon Petitioner an

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

7 If Petitioner wishes to respond to the Answer, he shall do so  
8 by filing a Traverse with the Court and serving it on Respondent  
9 no later than thirty days from his receipt of the Answer. If he  
10 does not do so, the petition will be deemed submitted and ready  
11 for decision on the date the Traverse is due.

12 No hearings will be held in this matter without a Court  
13 order.

14 IT IS SO ORDERED.

15 Dated: 4/5/2013

  
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CLAUDIA WILKEN  
United States District Judge