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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 HORACE E. ASHLEY, JR.,
9 Petitioner,

No. C 13-00918 YGR (PR)

AMENDED ORDER TO SHOW CAUSE

10 vs.

11 DOLLY MATTEUCCI,
12 Napa State Hospital Interim Director,
13 Respondent.
_____ /

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15 Petitioner has filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C.
16 § 2254. He has paid the \$5.00 filing fee. **He has since amended his petition twice, therefore, the**
17 **operative petition is his Second Amended Petition (SAC) (Docket No. 12).** It does not appear
18 from the face of the **SAC** that it is without merit. Good cause appearing, the Court hereby issues the
19 following orders:

20 1. The Clerk of the Court shall serve a copy of this Order and the **SAC** and all
21 attachments thereto (**Docket No. 12**) upon Respondent and Respondent's attorney, the Attorney
22 General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at
23 his current address.

24 2. Respondent shall file with this Court and serve upon Petitioner, within **sixty (60)**
25 **days** of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules
26 Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued.
27 Respondent shall file with the Answer a copy of all portions of the relevant state records that have
28 been transcribed previously and that are relevant to a determination of the issues presented by the
SAC.

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 **SAC** 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 **fourteen**
11 **(14) 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. Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose
15 address changes while an action is pending must promptly file a notice of change of address
16 specifying the new address. *See* L.R. 3-11(a). The Court may dismiss without prejudice a complaint
17 when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not
18 deliverable, and (2) the Court fails to receive within sixty days of this return a written
19 communication from the *pro se* party indicating a current address. *See* L.R. 3-11(b); *see also*
20 *Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir. 1997) (Rule 41(b) applicable in habeas cases).

21 Petitioner must also serve on Respondent's counsel all communications with the Court by
22 mailing a true copy of the document to Respondent's counsel.

23 6. Extensions of time are not favored, though reasonable extensions will be granted.
24 Any motion for an extension of time must be filed no later than **fourteen (14) days** prior to the
25 deadline sought to be extended.

26 IT IS SO ORDERED.

27 DATED: June 5, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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