

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

3  
4 JAMES SCHOENFELD,

No. C 14-2993 CW

5                                    Petitioner,

ORDER DIRECTING  
RESPONDENT TO SHOW  
CAUSE WHY THE  
PETITION SHOULD  
NOT BE GRANTED

6                                    v.

7 ELVIN VALENZUELA, Warden,

8                                    Respondent.

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10                                    Petitioner, a state prisoner, has filed this petition for  
11 writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid  
12 the \$5.00 filing fee. It does not appear from the face of the  
13 petition that it is without merit. The Court hereby issues the  
14 following orders:

15                                    1. The Clerk of the Court shall serve a copy of this Order,  
16 the petition and all attachments thereto upon Respondent and  
17 Respondent's attorney, the Attorney General of the State of  
18 California.

19                                    2. Respondent shall file with this Court and serve upon  
20 Petitioner, within thirty (30) days of the issuance of this Order,  
21 an answer conforming in all respects to Rule 5 of the Rules  
22 Governing Section 2254 Cases, showing cause why a writ of habeas  
23 corpus should not be issued. Respondent shall file with the  
24 answer a copy of all portions of the relevant state records that  
25 have been transcribed previously and that are relevant to a  
26 determination of the issues presented by the petition.

27                                    3. If Petitioner wishes to respond to the answer, he shall  
28 do so by filing a traverse with the Court and serving it on

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Respondent within thirty (30) days of his receipt of the answer.

4. Respondent may file with this Court and serve upon  
Petitioner, within thirty (30) days of the issuance of this Order,  
a motion to dismiss on procedural grounds in lieu of an answer, as  
set forth in the Advisory Committee Notes to Rule 4 of the Rules  
Governing Section 2254 Cases. If Respondent files such a motion,  
Petitioner shall file with the Court and serve on Respondent an  
opposition or statement of non-opposition to the motion within  
thirty (30) days of receipt of the motion, and Respondent shall  
file with the Court and serve on Petitioner a reply within fifteen  
(15) days of receipt of any opposition.

IT IS SO ORDERED.

Dated: 7/11/2014

  
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CLAUDIA WILKEN  
United States District Judge