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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ARTHUR C. MEFFORD,

NO. C 00-20328 JW

Petitioner(s),

v.

**ORDER GRANTING MOTION FOR
 EXTENSION OF TIME TO FILE
 AMENDED PETITION; LIFTING STAY;
 DIRECTING RESPONDENT TO SHOW
 CAUSE**

ERNEST ROE, WARDEN,

Respondent(s).

(Docket No. 85)

Petitioner's motion for an extension of time to file an amended petition is granted. The stay is lifted. Respondent shall file with this Court and serve upon Petitioner, no later than **sixty (60) 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 State trial record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and serving it on Respondent no later than **forty-five (45) days** of his receipt of the Answer. Should Petitioner fail to do so, the petition will be deemed submitted and ready for decision **forty-five (45) days** after the date Petitioner is served with Respondent's Answer.

Respondent may file a motion to dismiss on procedural grounds in lieu of an Answer, as set

Order Granting Motion for Extension of Time to File Amended Petition; Lifting Stay; Directing Respondent to Show Cause

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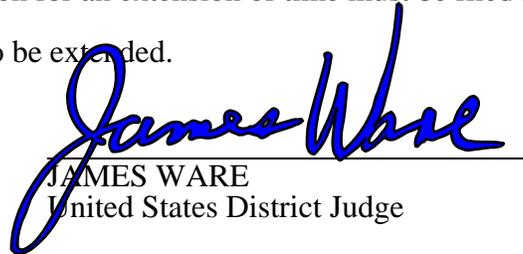
1 forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If
2 Respondent files such a motion, Petitioner shall file with the Court and serve on Respondent an
3 opposition or statement of non-opposition to the motion no later than **forty-five (45) days** of receipt
4 of the motion, and Respondent shall file with the court and serve on Petitioner a reply no later than
5 **fifteen (15) days** of receipt of any opposition.

6 It is Petitioner's responsibility to prosecute this case. Petitioner must keep the court informed
7 of any change of address by filing a separate paper with the Clerk of the Court headed "NOTICE OF
8 CHANGE OF ADDRESS," and comply with any orders of the Court within the time allowed or ask
9 for an extension of that time. Failure to do so may result in the dismissal of this action for failure to
10 prosecute pursuant to Federal Rule of Civil Procedure 41(b). See *Martinez v. Johnson*, 104 F.3d
11 769, 772 (5th Cir. 1997) (Rule 41(b) applicable in habeas cases).

12 Petitioner is reminded that all communications with the Court, whether by way of formal
13 legal motions or informal letters, must be served on Respondent by mailing a true copy of the
14 document to Respondent's counsel.

15 Extensions of time are not favored, though reasonable extensions will be granted. However,
16 the party making a motion for an extension of time is not relieved from his or her duty to comply
17 with the deadlines set by the Court merely by having made a motion for an extension of time. The
18 party making the motion must still meet the deadlines set by the Court until an order addressing the
19 motion for an extension of time is issued. Any motion for an extension of time must be filed no later
20 than **fifteen (15) days** prior to the deadline sought to be extended.

21 Dated: April 25 2006

22 
23 JAMES WARE
24 United States District Judge

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27 Order Granting Motion for Extension of Time to File Amended Petition; Lifting Stay; Directing
28 Respondent to Show Cause
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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2

3 Arthur C. Mefford
4 CSP-Solano II
5 P.O. Box 4000
6 Vacaville, CA 95696

7 Catherine A. Rivlin
8 Jeffrey M. Bryant
9 CA State Attorney General's Office
10 455 Golden Gate Ave
11 Suite 11000
12 San Francisco, CA 94102-7004

13

14 **Dated: April 25, 2006**

Richard W. Wieking, Clerk

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By: /s/JW Chambers
Melissa Peralta
Courtroom Deputy

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