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United States District Court  
For the Northern District of California

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

JUSTO MORALES,	)	No. C 10-01199 JW (PR)
Petitioner,	)	ORDER TO SHOW CAUSE
vs.	)	
C. NOLL, Warden,	)	
Respondent.	)	
_____	)	

Petitioner, a California prisoner incarcerated at the Salinas Valley State Prison in Soledad, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his state conviction. Petitioner has paid the filing fee.

**BACKGROUND**

According to the petition, petitioner was found guilty in Monterey County Superior Court of two counts of second degree murder, two counts of gross vehicular manslaughter while intoxicated and causing injury, driving with a .08 percent blood-alcohol level and causing injury, and hit-and-run driving with serious permanent injury. Petitioner was sentenced to 10 years with a consecutive term of 15 years to life in state prison.



1 petition and all attachments thereto on respondent and respondent's attorney, the  
2 Attorney General of the State of California. The clerk also shall serve a copy of this  
3 order on petitioner.

4 2. Respondent shall file with the court and serve on petitioner, within  
5 **sixty (60) days** of the issuance of this order, an answer conforming in all respects to  
6 Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of  
7 habeas corpus should not be issued. Respondent shall file with the answer and serve  
8 on petitioner a copy of all portions of the state trial record that have been transcribed  
9 previously and that are relevant to a determination of the issues presented by the  
10 petition.

11 If petitioner wishes to respond to the answer, he shall do so by filing a  
12 traverse with the court and serving it on respondent within **thirty (30) days** of his  
13 receipt of the answer.

14 3. Respondent may file a motion to dismiss on procedural grounds in lieu  
15 of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules  
16 Governing Section 2254 Cases. If respondent files such a motion, petitioner shall  
17 file with the court and serve on respondent an opposition or statement of non-  
18 opposition within **thirty (30) days** of receipt of the motion, and respondent shall file  
19 with the court and serve on petitioner a reply within **fifteen (15) days** of receipt of  
20 any opposition.

21 4. Petitioner is reminded that all communications with the court must be  
22 served on respondent by mailing a true copy of the document to respondent's  
23 counsel. Petitioner must also keep the court and all parties informed of any change  
24 of address.

25  
26 DATED: November 30, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JUSTO MORALES,

Petitioner,

v.

C. NOLL, Warden,

Respondent.

Case Number: CV10-01199 JW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 12/1/2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Justo Morales F-31628  
Salinas Valley State Prison  
P. O. Box 1050  
Soledad, CA 93960

Dated: 12/1/2010

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk