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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

ALFONZO A. PHILLIPS,

Petitioner,

vs.

CONNIE GIPSON, Warden,

Respondent.

) No. C 11-04707 EJD (PR)

) ORDER TO SHOW CAUSE;
) GRANTING MOTION FOR LEAVE
) TO PROCEED *IN FORMA PAUPERIS*

) (Docket No. 2)

Petitioner, a state prisoner incarcerated at the Corcoran State Prison, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his state conviction. Petitioner has filed a motion for leave to proceed in forma pauperis. (Docket No. 2.)

BACKGROUND

According to the petition, Petitioner was found guilty by a jury in Alameda County Superior Court of murder and attempted car-jacking. (Pet. at 2.) Petitioner was sentenced to 28 years to life in state prison. (Id.)

Petitioner’s conviction was affirmed on direct appeal. Petitioner filed the instant federal habeas petition on September 21, 2011.

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

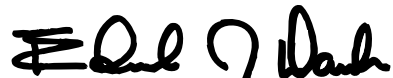
7 If Petitioner wishes to respond to the answer, he shall do so by filing a
8 traverse with the Court and serving it on Respondent within **thirty (30) days** of his
9 receipt of the answer.

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

17 5. Petitioner is reminded that all communications with the court must be
18 served on Respondent by mailing a true copy of the document to Respondent's
19 counsel. Petitioner must also keep the Court and all parties informed of any change
20 of address.

21 This order terminates Docket No. 2.

22
23 DATED: 2/10/2012


24 EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ALFONZO A PHILLIPS,
Petitioner,

Case Number: CV11-04707 EJD

CERTIFICATE OF SERVICE

v.

CONNIE GIPSON, Warden,
Respondent.

_____/

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 2/15/2012, 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.

Alfonzo A. Phillips G-00520
State Prison Corcoran
P. O. Box 3466
Corcoran, CA 93212

Dated: 2/15/2012

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