

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JUAN JOSE DEANDA,  
Petitioner,  
v.  
AMY MILLER,  
Respondent.

Case No. [13-cv-02135-BLF](#)

**ORDER RE RESPONSE TO PETITION  
FOR WRIT OF HABEAS CORPUS**

Petitioner, a state prisoner represented by counsel, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on May 9, 2013, challenging his state conviction. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Court hereby orders a response to the instant petition:

1. The Clerk shall serve by certified mail a copy of this order and the petition and all attachments thereto on Respondent and Respondent’s attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this order on Petitioner.

2. Respondent shall file with the court and serve on petitioner, **within 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 and the applicable Habeas Corpus Local Rules. Respondent shall file with the answer and serve on Petitioner 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 **within thirty (30) days** of his receipt of the answer.

3. Respondent may file a motion to dismiss on procedural grounds in lieu of an

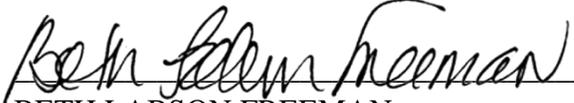
1 answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section  
2 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court and serve on  
3 Respondent an opposition or statement of non-opposition **within thirty (30) days** of receipt of the  
4 motion, and Respondent shall file with the court and serve on Petitioner a reply **within fifteen (15)**  
5 **days** of receipt of any opposition.

6 4. Petitioner is reminded that all communications with the court must be served on  
7 Respondent by mailing a true copy of the document to Respondent's counsel. Petitioner must also  
8 keep the Court and all parties informed of any change of address.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS SO ORDERED.**

Dated: May 20, 2014

  
BETH LABSON FREEMAN  
United States District Judge