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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EARNEST L. PRESCOTT,
Petitioner,
v.
KELLY SANTORO,
Respondent.

Case No. 16-CV-01359-LHK
**ORDER REGARDING BRIEFING
SCHEDULE**
Re: Dkt. No. 5

On March 21, 2016, Petitioner Earnest Prescott (“Petitioner”), represented by counsel, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2244. ECF No. 1. On April 27, 2016, U.S. Magistrate Judge Donna Ryu, to whom this action was originally assigned, issued an Order to Show Cause which stated that “[i]t does not appear from the face of the [P]etition that it is without merit.” ECF No. 5 at 1.

Consequently, Judge Ryu set a briefing schedule which required Respondent to consent to or decline magistrate judge jurisdiction within 28 days of her April 27, 2016 order. *Id.* Judge Ryu also ordered Respondent to file an answer or motion to dismiss within 60 days of her April 27, 2016 order, with additional deadlines set for Petitioner to file a traverse or opposition. *Id.* at 2. Finally, Judge Ryu stated that, “[w]hether Respondent consents or declines to proceed before the

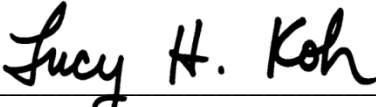
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assigned Magistrate Judge, the parties shall abide by the briefing schedule” set forth in Judge Ryu’s April 27, 2016 order. *Id.*

On June 1, 2016, Respondent filed a declination of magistrate judge jurisdiction. ECF No. 7. Accordingly, the instant action was reassigned to the undersigned judge on June 3, 2016. ECF No. 9. Respondent has not requested an extension of time to the briefing schedule set by Judge Ryu. Accordingly, consistent with Judge Ryu’s April 27, 2016 order, Respondent’s answer or motion to dismiss is due on June 27, 2016; Petitioner’s traverse or opposition is due on July 25, 2016; and Respondent’s reply (if Respondent files a motion to dismiss) is due on August 8, 2016.

IT IS SO ORDERED.

Dated: June 24, 2016



LUCY H. KOH
United States District Judge