

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

MARION WILSON, JR., :  
Petitioner :  
VS. :  
STEPHEN UPTON, Warden, :  
Respondent :  
: CIVIL ACTION NO.: 5:10-CV-489 (MTT)

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**ORDER**

Petitioner **MARION WILSON, JR.** has filed a Petition for Writ of Habeas Corpus by a Person in State Custody.

**IT IS HEREBY ORDERED** that, pursuant to Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts (hereinafter “Rule 5”), Respondent file an answer in writing to the allegations of the petition. This answer is to be filed with the Clerk of this Court within forty-five (45) days after service of this Order.

This answer is to conform to the Rules Governing Section 2254 Cases in the United States District Courts and, specifically, in accordance with Rule 5, “[t]he answer must address the allegations in the petition. In addition, it must state whether any claim in the petition is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, or a statute of limitations.”

Additionally, the answer is to include the records required by Rule 5, including all relevant transcripts (of pretrial, trial, sentencing, and post-conviction proceedings); pleadings; briefs required by Rule 5 (c)-(d); and decisions of the various courts required by Rule 5 (d).

Within thirty (30) days of the filing of the answer and records required by Rule 5, the Court  
**ORDERS** Petitioner to file a reply in accordance with Rule 5 (e). This reply shall respond to any

and all of Respondent's assertions; including those of lack of exhaustion and procedural default.

**SO ORDERED**, this 12<sup>th</sup> day of January, 2011.

s/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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