

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HASSAN MOHAMAD RIZK,

Petitioner,

Civil No. 2:08-CV-12737

HONORABLE PAUL D. BORMAN

v.

UNITED STATES DISTRICT JUDGE

JOHN PRELESNIK,

Respondent,

**ORDER COMPELLING RESPONDENT TO SERVE ANOTHER COPY OF THEIR
ANSWER UPON PETITIONER AND GRANTING PETITIONER AN EXTENSION OF
TIME TO FILE A TRAVERSE OR REPLY TO THE RESPONDENT'S ANSWER**

Before the Court is a letter from petitioner dated March 6, 2009, which is construed as a motion to compel respondent to forward petitioner another copy of their answer to the petition for writ of habeas corpus, which was filed with this Court on January 8, 2009. Petitioner also appears to request additional time to file a traverse or reply brief to the answer.

Respondent filed an answer to the petition for writ of habeas corpus with this Court on January 8, 2009. Petitioner claims that he never received a copy of the answer. An answer to a petition for writ of habeas corpus, along with any attached exhibits, must be served upon a habeas petitioner. *See Thompson v. Greene*, 427 F. 3d 263, 269 (4th Cir. 2005). The Court will therefore order respondent to serve another copy of their answer to the petition for writ of habeas corpus upon petitioner within ten days of this Court's order.

The Court will give petitioner forty five days from the date of the receipt of the answer to the petition for writ of habeas corpus to file a traverse or reply brief. Rule 5(e) of the Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254 states that a habeas petitioner "may submit a

reply to the respondent's answer or other pleading within a time fixed by the judge.” See *Baysdell v. Howes*, 2005 WL 1838443, * 4 (E.D. Mich. August 1, 2005).

IT IS HEREBY ORDERED that respondent shall serve a copy of the answer to the petition for writ of habeas corpus upon petitioner within **ten (10)** days of this order.

IT IS FURTHER ORDERED That Petitioner shall have **forty five (45) days** from the date that he receives the respondent’s answer to file a traverse or reply brief.

SO ORDERED

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: June 1, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on June 1, 2009.

S/Denise Goodine
Case Manager