

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Oliver Hooper

v.

Civil No. 08-cv-426-JD

Larry Blaisdell, Warden,
Northern New Hampshire
Correctional Facility

O R D E R

Before the court for preliminary review is Oliver Hooper 's petition for a writ of habeas corpus (document no. 1), filed pursuant to 28 U.S.C. § 2254. See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Court ("§ 2254 Rules") (requiring initial review to determine whether the petition is facially valid and may be served). Petitioner is in state custody and specifically alleges that he has exhausted his available state remedies for each of the federal claims presented here. The petition may, therefore, be considered, see 28 U.S.C. § 2254(a) & (b) (providing that the writ "shall not be granted" unless petitioner is in state custody and has exhausted all available or effective state remedies), and I order the petition to be served on Respondent. See § 2254 Rule 4.

The petition shall be served upon Respondent, which shall file an answer or other pleading in response to the allegations

made therein. See id. (requiring reviewing judge to order a response to the petition). The Clerk's office is directed to serve the New Hampshire Office of the Attorney General as provided in the Agreement On Acceptance Of Service, copies of this Order and the habeas petition (document no. 1). Respondent shall answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5 (setting forth contents of the answer). Upon receipt of the response, the Court will determine whether a hearing is warranted. See § 2254 Rule 8 (providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service is to be made by mailing the material to the parties' attorneys.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: February 4, 2009

cc: James Q. Butler, Esq.
Sven D. Wiberg, Esq.