

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

Kirk Cutler

v.

Civil No. 13-cv-236-PB

Richard Gerry, Warden,
New Hampshire State Prison

O R D E R

Before the court is Kirk Cutler's petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254. The matter is before the court for preliminary review to determine whether the claims raised in the petition are facially valid and may proceed. See Rule 4 of the Rules Governing Section 2254 cases in the United States District Courts ("§ 2254 Rules").

Petitioner has demonstrated that he has exhausted his state court remedies as to the four facially valid Sixth Amendment ineffective assistance of counsel claims asserted in the petition. The petition may proceed. See § 2254 Rule 4.

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, an electronic copy of this order and the petition (doc. 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).

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

May 22, 2013

cc: William E. Christie, Esq.

LBM:nmd