

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

_____	:	
ALEXIS DEJESUS,	:	
	:	Civil Action No. 10-2114 (FSH)
Petitioner,	:	
	:	
v.	:	AMENDED ORDER TO ANSWER
	:	
MICHELLE RICCI, et al.,	:	
	:	
Respondents.	:	
_____	:	

IT APPEARS THAT:

1. Petitioner filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254.
2. On May 25, 2010, Petitioner filed a motion to amend the petition (docket entry 3). Included with his motion is a proposed amended petition.
3. On July 15, 2010, this Court issued an Order to Petitioner pursuant to Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000) (docket entry 4). Petitioner replied to the Mason order that he would like to proceed with his petition as filed. This Court presumes that Petitioner wishes to proceed with his proposed amended petition, as set forth in docket entry 3 as part of his motion.

THEREFORE,

IT IS on this 21st day of December, 2010,

ORDERED that Petitioner's motion to amend the petition (docket entry 3) is hereby GRANTED; and it is further

ORDERED that the Clerk of the Court shall serve copies of the Petition, this Order, Petitioner's motion to amend, and all other documents docketed in this matter upon Respondents by certified mail, return receipt requested, with all costs of service advanced by the United States; and it is further

ORDERED that Respondents shall electronically file a full and complete answer to the amended petition within 45 days of the entry of this Order, see Ukawabutu v. Morton, 997 F. Supp. 605 (D.N.J. 1998); and it is further

ORDERED that Respondents' answer shall address the allegations of the Petition by each paragraph and subparagraph, and shall adhere to the requirements of 28 U.S.C. § 2254 Rule 5; and it is further

ORDERED that all non-jurisdictional affirmative defenses subject to waiver, such as timeliness, not raised in Respondents' answer or at the earliest practicable moment thereafter will be deemed waived; and it is further

ORDERED that the answer shall address the merits of each claim raised in the amended petition, see 28 U.S.C. § 2254(b)(2); and it is further

ORDERED that the answer shall indicate what transcripts (of pretrial, trial, sentencing, or post-conviction proceedings) are available, when they can be furnished, and what proceedings have been recorded but not transcribed; and it is further

ORDERED that Respondents shall attach to the answer parts of the transcript that the Respondents consider relevant and, if a transcript cannot be obtained, Respondents may submit a narrative summary of the evidence, see 28 U.S.C. § 2254 Rule 5(c); and it is further

ORDERED that Respondents shall file with the answer a copy of: (1) any brief that Petitioner submitted in an appellate court contesting the conviction or sentence, or contesting an adverse judgment or order in a post-conviction proceeding; (2) any brief that the prosecution submitted in an appellate court relating to the conviction or sentence; and (3) the opinions and dispositive orders relating to the conviction or the sentence, see 28 U.S.C. § 2254 Rule 5(d); and it is further

ORDERED that the answer shall contain an index of exhibits; and it is further

ORDERED that Respondents shall file the answer, the exhibits, and the list of exhibits electronically; and it is further

ORDERED that Petitioner shall file and serve a reply to the answer within 45 days of Petitioner's receipt of same, see 28 U.S.C. § 2254 Rule 5(e); and it is further

ORDERED that, within 7 days of Petitioner's release, be it on parole or otherwise, Respondents shall electronically file a written notice of the same with the Clerk; and it is finally

ORDERED that the Clerk shall serve this Order on Petitioner by regular mail; and it is further

ORDERED that Respondents file an answer to Petitioner's Habeas within 45 days of the date of this Order.

S/ Faith S. Hochberg
FAITH S. HOCHBERG
United States District Judge