

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL F. CHAVEZ,

Petitioner,

v.

No. 1:17-cv-871 KG/KRS

GERMAN FRANCO, Warden, and  
STATE OF NEW MEXICO,

Respondents.

ORDER

THIS MATTER comes before the Court upon Petitioner's Petition for Writ of Habeas Corpus [Doc. 1], filed August 23, 2017. Having reviewed the pleading, the Court FINDS and CONCLUDES that Petitioner's Petition is not subject to summary dismissal. *See* Rules Governing Section 2254 Cases, Rule 4, 28 U.S.C. foll. § 2254.

IT IS, THEREFORE, ORDERED that the Clerk is directed to forward copies of this order and the petition, along with supporting papers and exhibits, if any, to Respondents and the New Mexico Attorney General.

IT IS FURTHER ORDERED that Respondents shall answer the petition within thirty (30) days of the entry of this order. Respondents' answer shall advise, but is not limited to, whether Petitioner has exhausted his state court remedies as to the issues raised in his federal petition. Respondents shall attach to their answer copies of any pleadings pertinent to the issue of exhaustion which were filed by Petitioner in the sentencing court, the state district court, the state court of appeals, and/or the state supreme court, together with copies of all memoranda filed by

both parties in support of or in response to those pleadings. Respondents shall also attach to their answer copies of all state court findings and conclusions, docketing statements, and opinions issued in Petitioner's state court post-conviction or appellate proceedings. The answer must describe the procedural history of each claim that Respondents contend is unexhausted and identify the state procedures that are currently available to Petitioner.



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UNITED STATES MAGISTRATE JUDGE