

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

THOMAS W. CUNNINGHAM,

Petitioner,

v.

No. CV 18-7 KG/CG

ATTORNEY GENERAL of the
STATE OF NEW MEXICO,

Respondent.

ORDER TO ANSWER

THIS MATTER is before the Court, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, on Petitioner's petition under 28 U.S.C. § 2254 for writ of habeas corpus, (Doc. 1). The Court has examined Petitioner's petition and determined that it is not subject to summary dismissal. Accordingly, Respondent is directed to file an answer, motion, or other response.

IT IS THEREFORE ORDERED that the Clerk of the Court is directed to forward copies of this Order and the petition and supporting papers and exhibits, if any, to the New Mexico Attorney General;

IT IS FURTHER ORDERED that Respondent answer the petition by **February 7, 2018**. Respondent's answer shall advise, but is not limited to, whether Petitioner has exhausted his state court remedies as to the issues raised in the federal petition. Respondent shall attach to his answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings.

Respondent shall also attach to the 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 Respondent contends is unexhausted and identify the State procedures that are currently available to Petitioner.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE