

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 GREGORY S. ROBINSON,

7 Petitioner,

8 v.

9 SCOTT FRAKES,

10 Respondent.

No. C11-5302 RJB/KLS

ORDER FOR SERVICE AND
RETURN § 2254 PETITION

11
12 (1) The Clerk shall arrange for service by certified mail upon Respondent, a copy of
13 (1) the petition, (2) all documents in support thereof, and (3) this Order. All costs of service
14 shall be advanced by the United States. The Clerk shall assemble the necessary documents to
15 effect service. The Clerk shall send Petitioner a copy of this Order, and the General Order. The
16 Clerk will also send a courtesy copy of the Petition only to the Washington State Attorney
17 General's Office. The Attorney General is referred to the attachments and exhibits to the
18 Petition docketed at ECF No. 5.

19
20 (2) Within forty-five (45) days after such service, Respondent shall file and serve an
21 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
22 Courts. As part of such answer, Respondent should state whether Petitioner has exhausted
23 available state remedies, whether an evidentiary hearing is necessary, and whether there is any
24 issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of
25
26

1 an answer without first showing cause as to why an answer is inadequate. Respondent shall file
2 the answer with the Clerk of Court and serve a copy of the answer upon Petitioner.

3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,
4 upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday
5 after the answer is filed, Petitioner may file and serve a response not later than on the Monday
6 immediately preceding the Friday appointed for consideration of the matter, and Respondent
7 may file and serve a reply brief not later than the Friday designated for consideration of the
8 matter.
9

10 **DATED** this 28th day of April, 2011.

11 
12 Karen L. Strombom
13 Karen L. Strombom
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26