

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLARK LEE STUHR,

CASE NO. 3:16-CV-05833-BHS-DWC

Petitioner,

ORDER FOR SERVICE AND  
ANSWER, § 2254 PETITION

V.

PAT GLEBE,

## Respondent.

14 Petitioner Clark Lee Stuhr filed a Petition for Writ of Habeas Corpus (“Petition”)  
15 pursuant to 28 U.S.C. § 2254. Dkt. 9. Petitioner alleges he was denied due process when he was  
16 deprived of the ability to earn future good time credits. *Id.* As a petitioner is not entitled to  
17 habeas relief for the loss of the ability to earn good time credits, the Court ordered Petitioner to  
18 show cause why the Petition should not be dismissed. Dkt. 4. Petitioner filed a Response to the  
19 Order to Show Cause stating good time credits were awarded and then revoked pursuant to a  
20 Department of Corrections policy. Dkt. 7, pp. 9-10; *see Nettles v. Grounds*, 830 F.3d 922, 928  
21 (9th Cir. 2016) (“claims for restoration of good-time credits were in the core of habeas”). As  
22 Petitioner alleges his good time credits were earned and then revoked, the Court hereby finds and  
23 ORDERS as follows:

ORDER FOR SERVICE AND ANSWER,  
§ 2254 PETITION - 1

1 (1) The Clerk shall arrange for service by e-mail upon respondent and upon the  
2 Attorney General of the State of Washington, of copies of the petition, of all documents in  
3 support thereof, and of this Order. The Clerk shall also direct a copy of this Order and of the  
4 Court's *pro se* instruction sheet to petitioner.

5 (2) Within *forty-five (45) days* after such service, respondent(s) shall file and serve an  
6 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States  
7 District Courts. As part of such answer, respondent(s) shall state whether petitioner has  
8 exhausted available state remedies and whether an evidentiary hearing is necessary.  
9 Respondent(s) shall not file a dispositive motion in place of an answer without first showing  
10 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of  
11 the Court and serve a copy of the answer on petitioner.

12 (3) The answer will be treated in accordance with LCR 7. Accordingly, on the face  
13 of the answer, respondent(s) shall note it for consideration on the fourth Friday after filing.  
14 Petitioner may file and serve a response not later than the Monday immediately preceding the  
15 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply  
16 not later than the Friday designated for consideration of the matter.

17 (4) Filing by Parties, Generally

18 All parties Court are required to file documents electronically via the Court's CM/ECF  
19 system. All filings, whether filed electronically or in traditional paper format, must indicate in  
20 the upper right hand corner the name of the magistrate judge to whom the document is directed.

21 Any document filed with the Court must be accompanied by proof that it has been served  
22 upon all parties that have entered a notice of appearance in the underlying matter.

## (5) Motions

Any request for court action shall be set forth in a motion, properly filed and served.

3 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
4 part of the motion itself and not in a separate document. The motion shall include in its caption  
5 (immediately below the title of the motion) a designation of the date the motion is to be noted for  
6 consideration on the Court's motion calendar.

(6) Direct Communications with District Judge or Magistrate Judge

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

Dated this 10th day of January, 2017.

John Christel

David W. Christel  
United States Magistrate Judge