

Vilath Xayasomloth
Ironwood State Prison
P.O. Box 2199 (C2-249)
Blythe Ca 92226

FILED

2008 JUL 21 PM 2:55

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

In Pro Per

NUNC PRO TUNC

IN THE UNITED STATES DISTRICT COURT JUL 17 2008
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

VILATH XAYASOMLOTH,
Petitioner

08-0260 BEN (AJB)

v.

NOTICE OF MOTION AND
MOTION TO DENY RESPONDENT'S
MOTION TO DISMISS
PETITIONER'S HABEAS CORPUS

D. DEXTER, Warden
Respondent

PLEASE TAKE NOTICE THAT PETITIONER, Vilath Xayasomloth, In Pro Per hereby moves the United States District Court, Southern District, to DENY Respondent's Motion to Dismiss Petitioner's Writ of Habeas Corpus. Petitioner maintains as outlined in his declaration attached to the memorandum of points and authorities that his delay in filing the instant petition was due to an impediment created by State action(s). As su, pursuant to 28 USC 2244(d)(1)(B) the instant Petition is timely and he is entitled to proceed or at minimus an evidentiary hearing would be appropriate in order for this court to reach a decision whether this matter has already been adjudicated by the lower state courts.

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