

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

PAUL FREDERICK CASTRO,

Petitioner,

v.

Civil Action No. 1:07cv135
Criminal Action No. 1:06cr41(1)
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

**ORDER DENYING MOTION TO PROCEED WITHOUT ALLOWING
GOVERNMENT AN OPPORTUNITY TO RESPOND**

This § 2255 habeas corpus action case is before the Court on the petitioner's Motion to Proceed Without Allowing Government an Opportunity to Respond. In the motion, the petitioner asserts that the government has failed to timely file a response to the petition, therefore, the case should proceed on the merits of the petition.

A review of the docket shows that on November 30, 2007, the respondent timely filed a response to the petition. Thus, the basis for the petitioner's motion to proceed without response is inaccurate and lacks merit. Accordingly, the motion (dckt. 8/50) is **DENIED**.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* petitioner and to transmit a copy to counsel of record by electronic means.

DATED: December 18, 2007.

John S. Kaull

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE