

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MARCO SANCHEZ-DIAZ,)	
)	
Petitioner,)	
)	
v.)	No. 1:23-cv-00172-JSD
)	
STATE OF MISSOURI,)	
)	
Respondent.)	

OPINION, MEMORANDUM AND ORDER

This habeas corpus matter is before the Court on petitioner Marco Sanchez-Diaz’s response to the show cause order issued on December 18, 2023 (ECF No. 5). The Court had ordered petitioner to show cause why this petition should not be dismissed as time-barred. Having carefully reviewed petitioner’s response, the Court concludes that his arguments are without merit, and that the instant action is time-barred under 28 U.S.C. § 2244.

On September 3, 2010, petitioner was found guilty by a jury of two counts of statutory sodomy in the first degree and one count of child molestation in the first degree. He was sentenced to 75 years in prison. *See Missouri v. Sanchez-Diaz*, No. 08SF-CR00124 (St. Francois Cir. Ct. Sept. 3, 2010). Petitioner filed an appeal, and the Missouri Court of Appeals affirmed the judgment on February 14, 2012. *Id.* (filed Feb. 14, 2012).

Petitioner filed the instant § 2254 petition on October 2, 2023, more than ten years after petitioner’s state court judgment of conviction became final. On December 18, 2023, the Court entered a show cause order, requiring petitioner to show cause why his petition should not be dismissed as time-barred.

In his response to the show cause order, petitioner does not address why his petition was filed ten years late. Rather, he seems to allege that exculpatory evidence of certain telephone calls was not admitted at trial. He states that God taught him how to write in English, and told him to write a letter to the Court. “Also he told me that true justice do not have time. I’m looking for justice . . .” (ECF No. 11 at 2).

As the Court previously stated in the show cause order (ECF No. 5), petitioner’s petition was filed more than ten years after his state court conviction became final. Therefore, the Court will dismiss the petition as time-barred under 28 U.S.C. § 2244(d)(1)(A).

Accordingly,

IT IS HEREBY ORDERED that petitioner’s petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody is **DENIED**.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 2nd day of May, 2024.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE