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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Robert Thurman Thomas,  
Petitioner,  
vs.  
James Franco, et al.,  
Respondents.

No. CV 10-2279-PHX-GMS (ECV)

**ORDER**

Petitioner Robert Thurman Thomas, who is confined in the Arizona State Prison Complex-Yuma in San Luis, Arizona, has filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) and has paid the \$5.00 filing fee. The Court will require an answer to the Petition.

**I. Petition**

Petitioner was convicted in Maricopa County Superior Court, case #CR2007-161220-001DT, of first-degree burglary and was sentenced to a 15-year term of imprisonment. Petitioner states that he entered into a plea agreement for this enhanced sentence. In his Petition, Petitioner names James Franco as Respondent and the Arizona Attorney General as an Additional Respondent.

Petitioner raises three grounds for relief. In Ground One, Petitioner alleges that he was denied his Sixth Amendment right to trial by jury because his sentence was enhanced by aggravating factors that were not proven beyond a reasonable doubt. In Ground Two,

1 Petitioner asserts that he received the ineffective assistance of counsel because his attorney  
2 did not object to the “misuse” of aggravating factors. In Ground Three, he claims the trial  
3 court illegally found the two aggravating factors which increased Petitioner’s sentence above  
4 the presumptive sentence.

5 Petitioner alleges that he presented these grounds to the Arizona Court of Appeals.  
6 The Court will require Respondents to answer the Petition. 28 U.S.C. § 2254(a).

7 **II. Warnings**

8 **A. Address Changes**

9 Petitioner must file and serve a notice of a change of address in accordance with Rule  
10 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other  
11 relief with a notice of change of address. Failure to comply may result in dismissal of this  
12 action.

13 **B. Copies**

14 Petitioner must serve Respondents, or counsel if an appearance has been entered, a  
15 copy of every document that he files. Fed. R. Civ. P. 5(a). Each filing must include a  
16 certificate stating that a copy of the filing was served. Fed. R. Civ. P. 5(d). Also, Petitioner  
17 must submit an additional copy of every filing for use by the Court. LRCiv 5.4. Failure to  
18 comply may result in the filing being stricken without further notice to Petitioner.

19 **C. Possible Dismissal**

20 If Petitioner fails to timely comply with every provision of this Order, including these  
21 warnings, the Court may dismiss this action without further notice. See Ferdik v. Bonzelet,  
22 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to  
23 comply with any order of the Court).

24 **IT IS ORDERED:**

25 (1) The Clerk of Court must serve a copy of the Petition (Doc. 1) and this Order  
26 on the Respondent and the Attorney General of the State of Arizona by certified mail  
27 pursuant to Rule 4, Rules Governing Section 2254 Cases.  
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