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

Eliseo Solis, Jr.,)	No. CV 11-1202-PHX-GMS (ECV)
Petitioner,)	ORDER
vs.)	
Charles L. Ryan, et al.,)	
Respondents.)	

Petitioner Eliseo Solis, Jr., who is confined in the Arizona State Prison Complex, Cimarron Unit, in Tucson, Arizona, has filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. He has paid the \$5.00 filing fee. The Court will require an answer to the Petition.

I. Petition

Petitioner was convicted by a jury in Maricopa County Superior Court, case #CR2005-107852, of second degree murder and was sentenced to an aggravated nineteen-year term of imprisonment. In his Petition, Petitioner names Charles L. Ryan as Respondent and the Arizona Attorney General as an Additional Respondent.

Petitioner raises six grounds for relief. In Ground One, Petitioner alleges that his Fourteenth Amendment right to due process was violated where his sentence was aggravated by a factor that was an essential element of the offense. In Ground Two, Petitioner alleges that he received the ineffective assistance of appellate counsel based on counsel’s failure to raise the issue in Count One on appeal. In Ground Three, he alleges that his sentence was

1 unlawfully aggravated based on the presence of an accomplice when insufficient evidence
2 supported that factor. In Ground Four, he alleges that the trial court failed to consider all of
3 the mitigating factors in violation of his Fourteenth Amendment due process rights. In
4 Ground Five and Six, Petitioner alleges that he received the ineffective assistance of trial
5 counsel in violation of his Sixth Amendment rights based on failures to object to false
6 testimony or to present a witness who could have testified that Petitioner acted in self-
7 defense. The Court will require Respondents to answer the Petition. 28 U.S.C. § 2254(a).

8 **II. Warnings**

9 **A. Address Changes**

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

14 **B. Copies**

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

20 **C. Possible Dismissal**

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

25 **IT IS ORDERED:**

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

