

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JAMAR ROY LEE ROGERS,	)	CASE NO. CV 11-07666 RGK (RZ)
	)	
Petitioner,	)	ORDER TO SHOW CAUSE
	)	RE TIMELINESS
vs.	)	
	)	
MR. VIRGA, Warden,	)	
	)	
Respondent.	)	
_____	)	

The Court issues this Order To Show Cause directed to Plaintiff because the action may be time-barred.

In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act (“AEDPA”), a portion of which established a one-year statute of limitations for bringing a habeas corpus petition in federal court. 28 U.S.C. § 2244(d). In most cases, the limitations period commences on the date a petitioner’s conviction became final. *See* 28 U.S.C. § 2244(d)(1). The limitations period will start instead on one of the following dates, whichever is latest, if any of them falls after the petitioner’s conviction becomes final: the date on which a State-created impediment – itself a violation of Constitutional law – was removed; the date on which a newly-recognized Constitutional right was established; or the date on which the factual predicate for the claims could have been discovered through the exercise of due diligence. 28 U.S.C. § 2244(d)(1).



1 This Court may raise *sua sponte* the question of the statute of limitations bar,  
2 so long as it gives Petitioner an opportunity to be heard on the matter. *Herbst v. Cook*, 260  
3 F.3d 1039 (9th Cir. 2001). Accordingly, Petitioner shall show cause why this action should  
4 not be dismissed as being barred by the one-year statute of limitations. Petitioner shall file  
5 his response to the Court's Order to Show Cause not later than 21 days from the filing date  
6 of this Order.

7 If Petitioner does not file a response within the time allowed, the action may  
8 be dismissed for failure to timely file, and for failure to prosecute.

9 IT IS SO ORDERED.

10  
11 DATED: September 26, 2011

12  
13   
14 \_\_\_\_\_  
15 RALPH ZAREFSKY  
16 UNITED STATES MAGISTRATE JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28