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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSE ANTONIO AREVALO,)	CASE NO. CV 13-2627-AG (PJW)
)	
Petitioner,)	ORDER TO SHOW CAUSE WHY PETITION
)	SHOULD NOT BE DISMISSED
v.)	
)	
DAVID B. LONG, WARDEN,)	
)	
Respondent.)	

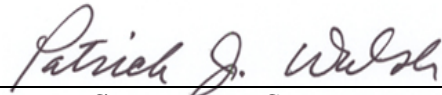
On April 9, 2013, Petitioner constructively filed a Petition for Writ of Habeas Corpus, seeking to challenge his January 2010 convictions for lewd and lascivious conduct with a child under fourteen and resulting prison sentence of 75 years to life. (Petition at 2.) In the Petition, he claims that both trial and appellate counsel provided ineffective assistance in several respects. (Petition at 5; attached memorandum at 1-10.) For the following reasons, Petitioner is ordered to show cause why his Petition should not be dismissed because it is time-barred.

State prisoners seeking to challenge their state convictions in federal habeas corpus proceedings are subject to a one-year statute of limitations. 28 U.S.C. § 2244(d). Here, Petitioner’s conviction became final on October 18, 2011--90 days after the California Supreme

1 Court denied his petition for review and the time expired for him to a
2 petition for writ of certiorari in the United States Supreme Court.
3 See, e.g., *Brambles v. Duncan*, 412 F.3d 1066, 1069 (9th Cir.
4 2005). Therefore, the statute of limitations expired one year later,
5 on October 18, 2012. See *Patterson v. Stewart*, 251 F.3d 1243, 1246
6 (9th Cir. 2001). Petitioner, however, did not file this Petition
7 until April 9, 2013, nearly six months after the deadline.

8 IT IS THEREFORE ORDERED that, no later than **May 17, 2013**,
9 Petitioner shall inform the Court in writing why this case should not
10 be dismissed with prejudice because it is barred by the statute of
11 limitations. Failure to timely file a response will result in a
12 recommendation that this case be dismissed.

13 DATED: April 17, 2013

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17 PATRICK J. WALSH
18 UNITED STATES MAGISTRATE JUDGE
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