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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SUNDIATA BESHEARI TAYLOR,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

Case No. 2:13-cv-3063-ODW
(Case No. 2:11-cr-520-ODW)

ORDER DISMISSING PETITION [4]

Under 28 U.S.C. § 2255(f), Petitioner Sundiata Besheari Taylor had one year from the “date on which the judgment of conviction becomes final.” On January 30, 2012, the Court sentenced Taylor to a term of 101 months. On the same day, the Court issued its judgment-and-commitment order.

Taylor did not seek an appeal. (Pet. 3.) Thus, his conviction became final 14 days later on February 13, 2012, when Taylor’s “availability of appeal [was] exhausted.” *United States v. Schwartz*, 274 F.3d 1220, 1223 (9th Cir. 2001).

Unfortunately, Taylor filed this petition on May 1, 2013—well after the one-year statute of limitations. Thus, despite any merit Taylor’s petition may have, his petition is time-barred.

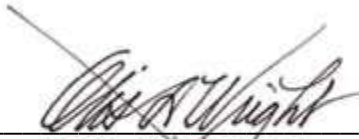
Equitable tolling may apply in certain circumstances. But a petitioner must demonstrate that he diligently pursued his rights and was unable to timely file his petition because of extraordinary circumstances. *United States v. Aguirre-Ganceda*, 592 F.3d 1043, 1045 (9th Cir. 2010).

1 Here, Taylor states no facts to support equitable tolling except for his belief that
2 he had until April 30, 2013, to file this petition. (Pet. 3.) Yet this is not enough—his
3 inability to calculate time is “not an extraordinary circumstance warranting equitable
4 tolling.” *Rasberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006). And even if this
5 inability was attributed to a lack of legal knowledge of the applicable time periods,
6 that is also insufficient to invoke equitable tolling. *Id.* Indeed, equitable tolling is an
7 extraordinary remedy, “the threshold . . . is very high.” *Miranda v. Castro*, 292 F.3d
8 1063, 1065 (9th Cir. 2002). Equitable tolling does not apply in this case.

9 Taylor’s Petition for Writ of Habeas Corpus is time-barred under 28 U.S.C.
10 § 2255(f). The government’s Motion to Dismiss (ECF No. 4) is **GRANTED**;
11 Taylor’s petition is hereby **DISMISSED WITH PREJUDICE**.

12 **IT IS SO ORDERED.**

13 May 16, 2013

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17 **OTIS D. WRIGHT, II**
18 **UNITED STATES DISTRICT JUDGE**