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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SAUL CERVANTES,	)	CASE NO. CV 13-4880 R (RZ)
	)	
Petitioner,	)	
	)	ORDER TO SHOW CAUSE RE
vs.	)	UNTIMELINESS
	)	
M.D. BITER, Warden,	)	
	)	
Respondent.	)	

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The Court issues this Order To Show Cause directed to Petitioner because the face of the petition suggests that 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).

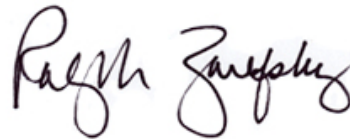


1 This Court may raise *sua sponte* the question of the statute of limitations bar,  
2 so long as it gives Petitioner an opportunity to be heard on the matter. *Herbst v. Cook*, 260  
3 F.3d 1039 (9th Cir. 2001). Accordingly, Petitioner shall show cause in writing why this  
4 action should not be dismissed as being barred by the one-year statute of limitations.  
5 Petitioner shall file his response to the Court's Order to Show Cause not later than 30 days  
6 from the filing date 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 DATED: 7/11/13

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RALPH ZAREFSKY  
14 UNITED STATES MAGISTRATE JUDGE  
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