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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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|-----------------------|---|----------------------------------|
| MAURICE R. POLK, |) | CASE NO. CV 14-6281-JVS (PJW) |
| |) | |
| Petitioner, |) | ORDER TO SHOW CAUSE WHY PETITION |
| |) | SHOULD NOT BE DISMISSED |
| v. |) | |
| |) | |
| TIM V. VIRGA, WARDEN, |) | |
| |) | |
| Respondent. |) | |
| |) | |

On May 1, 2014, Petitioner filed a Petition for Writ of Habeas Corpus in the District Court for the Southern District of California, challenging his continued incarceration in state prison. (Petition at 1-2.) He claims that there is a sentencing error in his release date and that, therefore, he should have already been released. (Petition at 2, 4). The Petition was subsequently transferred to this Court.

From the face of the Petition, it appears that these claims are not cognizable on federal habeas review. Petitioner has not alleged that his continued incarceration is the result of a violation of any federal law or the Federal Constitution. See, e.g., *Estelle v. McGuire*, 502 U.S. 62, 67-68 (1991) (holding mere errors in the application of state law are not cognizable on habeas corpus). "Absent a showing of fundamental unfairness, a state court's

1 misapplication of its own sentencing laws does not justify federal
2 habeas relief." *Christian v. Rhode*, 41 F.3d 461, 469 (9th Cir. 1994).
3 As such, absent further explanation from Petitioner, they will be
4 dismissed.

5 IT IS THEREFORE ORDERED that, no later than **December 22, 2014**,
6 Petitioner shall inform the Court in writing why this case should not
7 be dismissed for the reasons set forth above. Failure to timely file
8 a response will result in dismissal.

9 DATED: November 21, 2014

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PATRICK J. WALSH
13 UNITED STATES MAGISTRATE JUDGE
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