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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

11	STERLING K. BLANCHE,	}	Case No. CV 16-06771 CAS (KES)
12	Petitioner,	}	ORDER DENYING REQUEST
13	vs.	}	FOR ENLARGEMENT OF TIME
14		}	TO FILE HABEAS PETITION
15	D. BAUGHMAN, Warden	}	AND ADMINISTRATIVELY
16	Respondent.	}	CLOSING MATTER
17		}	

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19 Petitioner, a California state prisoner who currently is incarcerated at  
20 Folsom State Prison in Sacramento, California has filed a request for an  
21 unspecified extension of time to file a petition for writ of habeas corpus.<sup>1</sup> (Dkt.  
22 1.) According to Petitioner, he suffers from a mental disability that affects his  
23 thought process and needs more time to research and prepare a petition.

24 The timely filing of a federal habeas petitioner is not jurisdictional, but  
25 rather is subject to statutory tolling and equitable tolling if the petitioner can

26 <sup>1</sup> The Court Clerk is directed to send Petitioner instructions and a form for  
27 filing a "Petition For Writ of Habeas Corpus By A Person In State Custody."  
28

1 show entitlement. Holland v. Florida, 560 U.S. 631, 634 (2010). Presently,  
2 however, Petitioner’s prospective request to extend his filing deadline must be  
3 denied.

4 Because Petitioner has not yet filed a federal petition, there are no  
5 adverse parties before the Court and there is no concrete dispute for this Court  
6 to decide. Petitioner’s request in effect seeks an advisory opinion regarding  
7 whether Petitioner’s federal habeas petition will be time-barred (a) if the  
8 petition is filed at some unspecified future date which may or may not be  
9 within the one-year limitation period established by 28 U.S.C. 2244(d)(1), (b) if  
10 the State then raises the time bar as a defense, and (c) if Petitioner submits  
11 evidence supporting a claim to statutory or equitable tolling. Thus the request  
12 seeks relief that the Court could not grant without violating the “case or  
13 controversy” requirement of Article III, Section 2 of the United States  
14 Constitution. See Princeton University v. Schmid, 355 U.S. 100, 102 (1981)  
15 (under the “case or controversy” requirement of Article III, Section 2 of the  
16 United States Constitution, federal courts may not issue advisory opinions);  
17 see also Calderon v. Ashmus, 523 U.S. 740. 746 (1998) (actual “controversy”  
18 in 28 U.S.C. § 2254 action is whether petitioner is entitled to have the  
19 conviction or sentence imposed by the state court set aside); Corocon v. Tilton,  
20 2008 WL 816682, at \*1 (C.D. Cal. Mar. 25, 2008) (the Constitution’s “case or  
21 controversy” requirement precludes courts from granting advisory opinions  
22 addressing equitable tolling of anticipated but not yet filed habeas corpus  
23 petitions; Ford v. Warden, 2008 WL 2676842, at \*1 (C.D. Cal. July 7, 2008)  
24 (same).

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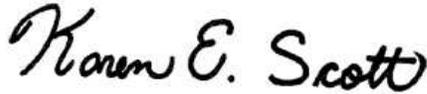
1 IT THEREFORE IS ORDERED that Petitioner's request for  
2 enlargement of time is denied and this matter be administratively closed.

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4 DATED: September 15, 2016



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7 CHRISTINA A. SNYDER  
8 UNITED STATES DISTRICT JUDGE

9 Presented by:



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12 KAREN E. SCOTT  
13 United States Magistrate Judge  
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