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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RUDY LIMON,)	CASE NO. CV 16-7436-VAP (PJW)
)	
Petitioner,)	ORDER TO SHOW CAUSE WHY PETITION
)	SHOULD NOT BE DISMISSED
v.)	
)	
KELLY SANTORO, WARDEN,)	
)	
Respondent.)	
_____)	

On October 4, 2016, Petitioner filed a Petition for Writ of Habeas Corpus, challenging his conviction in February 2006 for first degree murder with special circumstances and resultant life sentence. (Petition at 2.) Petitioner contends that there was insufficient evidence to support the special circumstances allegations, the jury instructions were erroneous, he was convicted on an overly vague aiding and abetting theory, and he received ineffective assistance of counsel at trial and on appeal. (Petition at 4, 6-7.) 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

1 became final on May 12, 2009--90 days after the California Supreme
2 Court denied his petition for review and the time expired for him to
3 file a petition for writ of certiorari in the United States Supreme
4 Court. *See, e.g., Brambles v. Duncan*, 412 F.3d 1066, 1069 (9th Cir.
5 2005). Therefore, the statute of limitations expired one year later,
6 on May 12, 2010. *See Patterson v. Stewart*, 251 F.3d 1243, 1246 (9th
7 Cir. 2001). Petitioner, however, did not file this Petition until
8 October 4, 2016, more than six years after the deadline.¹

9 IT IS THEREFORE ORDERED that, no later than **November 10, 2016**,
10 Petitioner shall inform the Court in writing why this case should not
11 be dismissed with prejudice because it is barred by the statute of
12 limitations. Failure to timely file a response will result in a
13 recommendation that this case be dismissed.

14 DATED: October 11, 2016

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17 PATRICK J. WALSH
18 UNITED STATES MAGISTRATE JUDGE

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25 S:\PJW\Cases-State Habeas\LIMON, R 7436\OSC dismiss pet.wpd

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27 _____
28 ¹ The Court notes that Petitioner filed a motion for a stay and
abeyance together with the Petition. If necessary, the Court will
address that motion after the resolution of the timeliness question.