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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 LUIS L. CARRANZA, ) CASE NO. CV 17-6474-JVS (PJW)  
11 )  
12 Petitioner, ) ORDER TO SHOW CAUSE WHY PETITION  
13 ) SHOULD NOT BE DISMISSED  
14 v. )  
15 WARDEN, )  
Respondent. )

16 On August 22, 2017, Petitioner filed a Petition for Writ of  
17 Habeas Corpus, challenging his conviction in December 2011 for first  
18 degree murder and attempted murder and resultant sentence of 130 years  
19 to life. (Petition at 1; *People v. Carranza*, 2013 WL 3357941, at \*4  
20 (Cal. Ct. App. July 2, 2013).) Petitioner contends that the trial  
21 court erred in excluding third-party culpability evidence showing that  
22 his brother Adrian was involved in the shooting. (Petition at 6 and  
23 attached pages; *Carranza*, 2013 WL 3357941, at \*4-7.) For the  
24 following reasons, Petitioner is ordered to show cause why his  
25 Petition should not be dismissed because it is time-barred.

26 State prisoners seeking to challenge their state convictions in  
27 federal habeas corpus proceedings are subject to a one-year statute of  
28 limitations. 28 U.S.C. § 2244(d). Here, Petitioner's conviction

1 became final on December 31, 2013--90 days after the California  
2 Supreme Court denied his petition for review and the time expired for  
3 him to file a petition for writ of certiorari in the United States  
4 Supreme Court. *See, e.g., Brambles v. Duncan*, 412 F.3d 1066, 1069  
5 (9th Cir. 2005). Therefore, the statute of limitations expired one  
6 year later, on December 31, 2014. *See Patterson v. Stewart*, 251 F.3d  
7 1243, 1246 (9th Cir. 2001). Petitioner, however, did not file this  
8 Petition until August 22, 2017, almost three years after the  
9 deadline.<sup>1</sup>

10 IT IS THEREFORE ORDERED that, no later than **October 5, 2017**,  
11 Petitioner shall inform the Court in writing why this case should not  
12 be dismissed with prejudice because it is barred by the statute of  
13 limitations. Failure to timely file a response will result in a  
14 recommendation that this case be dismissed.

15 DATED: September 5, 2017

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18 PATRICK J. WALSH  
19 UNITED STATES MAGISTRATE JUDGE  
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24 S:\PJW\Cases-State Habeas\CARRANZA, L 6474\OSC dismiss pet.wpd  
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27 <sup>1</sup> Petitioner did not sign or date the Petition, but did sign and  
28 date the proof of service attached to the Petition. The Court will  
assume that date is the date Petitioner delivered the Petition to  
prison officials for filing.