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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARTHA GABRIELLA SOLANO,)	CASE NO. CV 17-8686-AG (PJW)
)	
Petitioner,)	ORDER TO SHOW CAUSE WHY PETITION
)	SHOULD NOT BE DISMISSED
v.)	
)	
WARDEN,)	
)	
Respondent.)	
_____)	

16 On November 26, 2017, Petitioner filed a Petition for Writ of
17 Habeas Corpus, challenging her conviction in August 1999 for first
18 degree murder with special circumstances and resultant sentence of
19 life without the possibility of parole plus 25 years. (Petition at
20 1.) Petitioner contends that under *People v. Banks*, 61 Cal. 4th 788
21 (2015), there was insufficient evidence to support the special
22 circumstances allegation. (Petition at 2; attached Petition for Writ
23 of Habeas Corpus in the Supreme Court of California.) For the
24 following reasons, Petitioner is ordered to show cause why her
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 June 4, 2001--40 days after the California Court of
2 Appeal affirmed her conviction. See *Waldrip v. Hall*, 548 F.3d 729,
3 735 (9th Cir. 2008). Therefore, the statute of limitations expired
4 one year later, on June 4, 2002. See *Patterson v. Stewart*, 251 F.3d
5 1243, 1246 (9th Cir. 2001). Petitioner, however, did not file this
6 Petition until November 26, 2017, more than 15 years after the
7 deadline.

8 IT IS THEREFORE ORDERED that, no later than **January 4, 2018**,
9 Petitioner shall inform the Court in writing why this case should not
10 be dismissed with prejudice because it is barred by the statute of
11 limitations. Failure to timely file a response will result in a
12 recommendation that this case be dismissed.

13 DATED: December 5, 2017.

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PATRICK J. WALSH
17 UNITED STATES MAGISTRATE JUDGE
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