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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DERRICK D. BOYD,	)	CASE NO. CV 17-8700-SVW (PJW)
	)	
Petitioner,	)	ORDER TO SHOW CAUSE WHY PETITION
	)	SHOULD NOT BE DISMISSED
v.	)	
	)	
XAVIER CANO, WARDEN,	)	
	)	
Respondent.	)	
_____	)	

16           On November 16, 2017, Petitioner filed a Petition for Writ of  
17 Habeas Corpus, challenging his conviction in June 2004 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 2.) Petitioner contends that: (1) he received ineffective assistance  
21 of counsel at trial; (2) he received ineffective assistance of counsel  
22 on appeal; and (3) his sentence violates the Eighth Amendment.  
23 (Petition at 5 and Exh. 1.) For the following reasons, Petitioner is  
24 ordered to show cause why his Petition should not be dismissed because  
25 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 October 10, 2006--90 days after the California Supreme  
2 Court denied his petition for review. *See, e.g., Brambles v. Duncan,*  
3 412 F.3d 1066, 1069 (9th Cir. 2005). Therefore, the statute of  
4 limitations expired one year later, on October 10, 2007. *See*  
5 *Patterson v. Stewart,* 251 F.3d 1243, 1246 (9th Cir. 2001).  
6 Petitioner, however, did not file this Petition until November 16,  
7 2017, more than ten years after the deadline.

8 IT IS THEREFORE ORDERED that, no later than **January 5, 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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