

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ROLAND TIMOTHY MILLS, JR.,)	CASE NO. ED CV 12-725-PA (PJW)
)	
Petitioner,)	ORDER TO SHOW CAUSE WHY PETITION
)	SHOULD NOT BE DISMISSED
v.)	
)	
WARDEN P.D. BRAZELTON,)	
)	
Respondent.)	
)	

On April 27, 2012, Petitioner constructively filed a Petition for Writ of Habeas Corpus, seeking to challenge his December 2006 state convictions for possession of a controlled substance (cocaine base), possession of drug paraphernalia, and being under the influence of a controlled substance. (Petition at 2; *People v. Mills*, 2008 WL 5384722 (Cal. App. Dec. 26, 2008).) In the Petition, he claims that the evidence was insufficient to support his conviction for possession, his Sixth Amendment right to confrontation was violated, and the prosecutor’s misconduct denied him due process and a fair trial. (Petition at 5-6.) For the following reasons, Petitioner is ordered to show cause why his Petition should not be dismissed because it is time-barred.

1 State prisoners seeking to challenge their state convictions in
2 federal habeas corpus proceedings are subject to a one-year statute of
3 limitations. 28 U.S.C. § 2244(d). Here, Petitioner's conviction
4 became final on June 23, 2009--90 days after the state supreme court
5 denied his petition for review and the time expired for him to file a
6 petition for writ of certiorari with the United States Supreme Court.
7 *See, e.g., Brambles v. Duncan*, 412 F.3d 1066, 1069 (9th Cir.
8 2005). Therefore, the statute of limitations expired one year later,
9 on June 23, 2010. *See Patterson v. Stewart*, 251 F.3d 1243, 1246 (9th
10 Cir. 2001). Petitioner, however, did not file this Petition until
11 April 27, 2012, almost two years after the deadline.

12 IT IS THEREFORE ORDERED that, no later than **June 8, 2012**,
13 Petitioner shall inform the Court in writing why this case should not
14 be dismissed with prejudice because it is barred by the statute of
15 limitations. Failure to timely file a response will result in a
16 recommendation that this case be dismissed.

17 DATED: May 8, 2012

18 

19
20 _____
21 PATRICK J. WALSH
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27