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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 DAMIEN ARTHUR MIRANDA,

12 Petitioner,

13 v.

14 PEOPLE OF THE STATE OF
15 CALIFORNIA

16 Respondent.

No. EDCV 17-0415-AB (AGR)

ORDER DISMISSING WITHOUT
PREJUDICE PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT TO 28
U.S.C. § 2241

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19 On March 3, 2017, Petitioner filed a one-page document captioned as a “petition
20 for writ of habeas corpus pursuant to 28 U.S.C. § 2241.”

21 On March 22, 2017, this Court issued an Order that dismissed the petition with
22 leave to file, within 30 days, a First Amended Petition for Writ of Habeas Corpus
23 pursuant to 28 U.S.C. § 2254 to challenge Petitioner’s state conviction. The Order
24 attached a copy of the Abstract of Judgment filed on February 10, 2017 in Petitioner’s
25 criminal case after Petitioner’s guilty plea. The Order informed Petitioner that federal
26 habeas relief is not available unless Petitioner exhausts his remedies in state court.
27 Finally, the Order informed Petitioner that the proper respondent in a First Amended
28 Petition is the warden at the prison where he is incarcerated. (Dkt. No. 5.)

1 Petitioner did not file a First Amended Petition, did not request an extension of
2 time to do so and has not otherwise communicated with the Court.

3 Accordingly, for the reasons stated in the Order dated March 22, 2017, the
4 Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 is DISMISSED
5 WITHOUT PREJUDICE.

6 Petitioner is advised that the AEDPA generally imposes a one-year statute of
7 limitations for filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 that
8 starts to run on the date the state court judgment becomes final or on a later date, if applicable,
9 as set forth in 28 U.S.C. § 2244(d)(1)-(2).

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12 DATED: August 17, 2017



ANDRÉ BIROTTE JR.
United States District Judge