

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| GONDEE CHARLES SINGLETARY, | ) | CASE NO. ED CV 18-157-DMG (PJW)  |
|                            | ) |                                  |
| Petitioner,                | ) | ORDER TO SHOW CAUSE WHY PETITION |
|                            | ) | SHOULD NOT BE DISMISSED          |
| v.                         | ) |                                  |
|                            | ) |                                  |
| MIKE MARTEL, WARDEN,       | ) |                                  |
|                            | ) |                                  |
| Respondent.                | ) |                                  |
| _____                      | ) |                                  |

On January 5, 2018, Petitioner filed a Petition for Writ of Habeas Corpus in the district court for the Eastern District of California, challenging his convictions in December 1995 for second degree attempted armed robbery and possession of narcotics and resultant life sentence. (Petition at 1.) The Petition was subsequently transferred to this Court. (Doc. No. 4.) Petitioner contends that the prosecution was conducted in bad faith, his sentence is unlawful, and he received ineffective assistance of counsel. (Petition at 9-30.<sup>1</sup>) For the following reasons, Petitioner is ordered to show cause why his Petition should not be dismissed because it is time-barred.

\_\_\_\_\_

<sup>1</sup> The Court uses the page numbers inserted by the electronic docketing system to avoid confusion.

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 February 6, 1996--60 days after he was sentenced and  
5 the time expired for him to file an appeal. See *Mendoza v. Carey*, 449  
6 F.3d 1065, 1067 (9th Cir. 2006); *Lewis v. Mitchell*, 173 F. Supp.2d  
7 1057, 1060 (C.D. Cal. 2001). For prisoners like Petitioner, whose  
8 conviction became final before the effective date of the statute of  
9 limitations in April 1996, the one-year period began then and ended a  
10 year later in April 1997. See *Patterson v. Stewart*, 251 F.3d 1243,  
11 1246 (9th Cir. 2001). Petitioner, however, did not file this Petition  
12 until January 5, 2018, almost 21 years after the deadline.

13 IT IS THEREFORE ORDERED that, no later than **March 9, 2018**,  
14 Petitioner shall inform the Court in writing why this case should not  
15 be dismissed with prejudice because it is barred by the statute of  
16 limitations. Failure to timely file a response will result in a  
17 recommendation that this case be dismissed.

18 DATED: February 7, 2018

19  
20 

21 \_\_\_\_\_  
22 PATRICK J. WALSH  
23 UNITED STATES MAGISTRATE JUDGE  
24  
25  
26  
27