

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES-GENERAL

Case No. SA CV 15-1117-JAK (PLA)

Date August 10, 2015

Title: Jose Saucedo-Contreras v. Marion Spearman, Warden

PRESENT: THE HONORABLE PAUL L. ABRAMS

U.S. DISTRICT JUDGE

MAGISTRATE JUDGE

Christianna Howard
Deputy Clerk

N/A
Court Reporter / Recorder

N/A
Tape No.

ATTORNEYS PRESENT FOR PETITIONER:
NONE

ATTORNEYS PRESENT FOR RESPONDENT:
NONE

PROCEEDINGS: (IN CHAMBERS)

The Court is in receipt of petitioner’s Response to the Court’s Order to Show Cause (“OSC”) issued on July 20, 2015. Regarding petitioner’s argument that he is entitled to equitable tolling of the statute of limitations based on his inability to understand English (see Response at 4-5), the Court finds that supplemental briefing from petitioner is necessary. In Mendoza v. Carey, 449 F.3d 1065, 1070 (9th Cir. 2006), the Ninth Circuit concluded that “a non-English-speaking petitioner seeking equitable tolling must, at a minimum, demonstrate that during the running of the AEDPA time limitation, he was unable, despite diligent efforts, to procure either legal materials in his own language or translation assistance from an inmate, library personnel, or other source.” Petitioner in his Response has failed to make such a showing. Accordingly, the Court **orders** petitioner to file, **no later than August 25, 2015**, a supplemental response to the OSC that presents all argument and evidence that he wants the Court to consider in connection with his claim of equitable tolling based on the inability to understand English.

The failure of petitioner to submit the supplemental response may result in the Court recommending that the Petition be dismissed as untimely.

cc: Counsel of record

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