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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARQUIMEDES MENDOZA,  
Petitioner,  
v.  
MATTHEW CATE,  
Respondent.

No. 2:09-cv-1710 MCE DAD P

ORDER

Petitioner is a former state prisoner proceeding through counsel with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 27, 2014, this court issued an order setting an April 21, 2014 evidentiary hearing with respect to petitioner’s claim that he received ineffective assistance as a result of his trial counsel’s failure to advise him that the charge to which he pled guilty was a “strike” under California’s Three Strikes law and that he was prejudiced by his counsel’s ineffective performance. On April 14, 2014, the undersigned granted respondent’s request to vacate the date set for the evidentiary hearing pending the filing and disposition of a motion to dismiss. On April 21, 2014, respondent filed a motion to dismiss. On July 3, 2014, this court issued findings and recommendations recommending that the motion to dismiss be denied. The district judge assigned to this action adopted those findings and recommendations by order dated March 11, 2015, and denied respondent’s motion to dismiss.

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Accordingly, IT IS ORDERED that:

1. An evidentiary hearing is reset for June 8, 2015, at 10:00 a.m. before the undersigned in Courtroom 27.<sup>1</sup>
2. The evidentiary hearing will be limited to petitioner’s claim that he received ineffective assistance as a result of his trial counsel’s failure to advise him that the charge to which he pled guilty was a “strike” under California’s Three Strikes law and that he was prejudiced by his counsel’s ineffective performance.

Dated: March 23, 2015

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:8  
Mendoza1710.reset

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<sup>1</sup> If this date is not available, convenient or satisfactory to either party, counsel are directed to meet and confer, consult with Courtroom Deputy Pete Buzo and then file a stipulation and proposed order resetting the evidentiary hearing to an agreed upon, available date.