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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	BEN LEE,	No. 2:14-cv-1667 KJM KJN P
12	Petitioner,	
13	v.	ORDER
14	MACOMBER,	
15	Respondent.	
16		
17	Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas	
18	corpus pursuant to 28 U.S.C. § 2254. For the following reasons, petitioner is ordered to file	
19	further briefing in support of his opposition to respondent's motion to dismiss.	
20	On October 13, 2014, respondent filed a motion to dismiss arguing that this action is	
21	barred by the statute of limitations. (ECF No. 13.) On November 4, 2014, petitioner filed an	
22	opposition. (ECF No. 14.) In the opposition, petitioner argues that he is entitled to equitable	
23	tolling.	
24	The one-year statute of limitations for filing a habeas petition may be equitably tolled if	
25	extraordinary circumstances beyond a prisoner's control prevent the prisoner from filing on time.	
26	See Holland v. Florida, 560 U.S. 631, 645 (2010). A petitioner seeking equitable tolling must	
27	establish two elements: "(1) that he has been pursuing his rights diligently, and (2) that some	
28	extraordinary circumstance stood in his way." <u>Pace v. DiGuglielmo</u> , 544 U .S. 408, 418 (2005).	

Petitioner first argues that he is entitled to equitable tolling because of his mental illness.
 Petitioner argues that he had to find someone to assist him with his legal work due to his mental
 illness. Petitioner also attaches a declaration from inmate Hampton stating that inmate Hampton
 helped petitioner with his legal work due to petitioner's mental illness.

Petitioner's opposition does not specifically address how his mental illness prevented him
from filing a timely federal petition. Petitioner also does not describe his mental illness and why
he could not prepare his own legal documents. Accordingly, petitioner is directed to file further
briefing addressing these issues.

9 Petitioner also argues that he is entitled to equitable tolling because he was housed in
10 administrative segregation where he could not find any inmate to help him with his legal work
11 and was without access to his "legal work."

Petitioner's opposition does not specifically address how his placement in administrative segregation prevented him from filing a timely federal habeas petition. Petitioner does not specifically describe the dates when he was housed in administrative segregation. Petitioner also does not specifically address why he could not obtain assistance from other inmates while he was housed in administrative segregation. It is also unclear to the court whether petitioner is alleging that he was denied access to his legal property while he was housed in administrative segregation. Accordingly, petitioner is directed to file further briefing addressing these issues.

Accordingly, IT IS HEREBY ORDERED that within thirty days of the date of this order,
 petitioner shall file the further briefing described above; respondent may file a reply to
 petitioner's briefing within fourteen days thereafter.

22 Dated: April 24, 2015

KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE

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