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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN KEVIN PARKER,
Petitioner,
v.
R.T.C. GROUNDS, Warden, et al.,
Respondents.

No. 2:14-cv-1789 AC P

ORDER

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Pending before the court is respondent’s motion to dismiss the petition as untimely and unexhausted. ECF No. 14. In his opposition to respondent’s motion, petitioner asserts that he filed a petition for review with the California Supreme Court on May 1, 2013 and attaches a copy of the petition as “Exhibit A” to his opposition. ECF No. 19. However, the face sheet of the petition attached as “Exhibit A” does not contain a file or “docketed” stamp indicating that it was received by the California Supreme Court. See id. at 10. Petitioner further asserts that the California Supreme Court issued a ruling on his petition for review. However, he has not provided the court with a copy of this ruling.

Respondent represents that there is no record a petition for review was ever filed, let alone ruled on, in petitioner’s case. The court’s review of the California appellate courts’ online records database, available at <http://appellatecases.courtinfo.ca.gov>, confirms that it contains no

1 record of any California Supreme Court filing by petitioner.¹

2 Accordingly, petitioner is directed to file any documentation in his possession that
3 demonstrates his petition for review, Exhibit A to ECF No. 19, was actually presented to and/or
4 ruled on by the California Supreme Court.


5 In accordance with the above, IT IS HEREBY ORDERED that petitioner file **within**
6 **seven (7) days** from the date of this order:

7 (1) A copy of the **file or “docketed” stamped page** of the petition for review he filed in
8 the California Supreme Court; and

9 (2) A copy of all rulings he received from the California Supreme Court;

10 (3) If petitioner has no responsive documents, he shall file a statement so informing the
11 court.

12 DATED: September 3, 2015

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE

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27 ¹ The undersigned takes judicial notice of these records. See Smith v. Duncan, 297 F.3d 809, 815
28 (9th Cir. 2002) (federal courts may take judicial notice of relevant state court records in federal habeas proceedings).