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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REYES LEGRANDE, JR,

No. C 07-01793 WHA

Petitioner,

v.

**ORDER TO SHOW CAUSE**

JAMES A. YATES,

Respondent.

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Petitioner Reyes Legrande is currently incarcerated in Pleasant Valley State Prison, located in this district. In this petition for writ of habeas corpus, Legrande has stated valid claims under 28 U.S.C. 2254. The respondent is **ORDERED TO ANSWER** the petition.

**STATEMENT**

A jury convicted Legrande of drug, firearm and assault charges. He was sentenced to sixteen years and eight months in prison. His conviction was affirmed on direct appeal by the California Court of Appeal, and the California Supreme Court denied review. Legrande has also filed state habeas petitions.


Legrande initially filed this petition *pro se* in March 2007 and secured legal representation shortly thereafter. An order to show cause issued, and respondent moved to dismiss the petition. An August 2007 order denied the motion to dismiss. It found, however, that the petition contained an unexhausted claim — a claim based on *Cunningham v. California*, 549 U.S. 270 (2007) — and was therefore in violation of the total-exhaustion requirement. The



1 governing Section 2254 Cases in the United States District Courts. Respondent shall, by that  
2 date, also serve all other materials required by Habeas Local Rule 2254-6(b). The record must  
3 be indexed. If petitioner wishes to respond to the answer, he shall file a **TRAVERSE WITH THE**  
4 **COURT AND SERVE IT UPON RESPONDENT WITHIN THIRTY DAYS OF SERVICE OF THE**  
5 **ANSWER.**

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7 **IT IS SO ORDERED.**

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9 Dated: July 7, 2009.

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12 WILLIAM ALSUP  
13 UNITED STATES DISTRICT JUDGE  
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