

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

REENA CHOPRA,)	No. C 09-0841 JSW (PR)
Petitioner,)	
vs.)	ORDER TO SHOW CAUSE
ATTORNEY GENERAL OF CALIFORNIA,)	
Respondent.)	

INTRODUCTION

Petitioner, formerly a prisoner of the State of California, currently on parole, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging the constitutional validity of her state court conviction. Petitioner has paid the filing fee. This order directs Respondent to show cause why the petition should not be granted.

BACKGROUND

According to the petition, Petitioner was convicted of violations of Section 2052 of California Business and Professions Code in San Mateo County Superior Court. The trial court sentenced her to a term of two years in state prison. Petitioner’s appeal to the California Court of Appeal was denied in 2007 and her petition for review to the California Supreme Court was denied in 2008. Her petition for a writ of certiorari to the United States Supreme Court was denied in 2008. She filed the instant federal habeas petition in this Court on February 26, 2009. The petition was dismissed with leave to amend, and, after the case was reopened, petitioner filed an amended petition on December 31, 2009.

1 **DISCUSSION**

2 I Standard of Review

3 This court may entertain a petition for a writ of habeas corpus “in behalf of a person
4 in custody pursuant to the judgment of a State court only on the ground that he is in
5 custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C.
6 § 2254(a).

7 It shall “award the writ or issue an order directing the respondent to show cause
8 why the writ should not be granted, unless it appears from the application that the applicant
9 or person detained is not entitled thereto.” *Id.* § 2243.

10 II Legal Claims

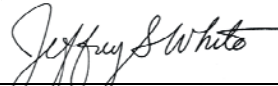
11 The petition raises the following ground for relief: (1) she received ineffective
12 assistance of trial and appellate counsel; (2) her rights to due process and to be free from
13 cruel and unusual punishment were violated by the trial court’s sentencing decisions; (3)
14 her right to due process was violated because the jury instructions regarding reasonable
15 doubt and the presumption of innocence were erroneous; (4) her rights to equal protection
16 and due process were violated because Cal. Bus. & Prof. Code § 2502 is unconstitutional
17 on its face; (5) the prosecutor committed misconduct, violating her rights to due process
18 and equal protection; (6) judicial misconduct violated her right to due process; (7)
19 evidence was erroneously admitted; (8) pretrial publicity “poisoned” the jury pool; and
20 (9) there was insufficient evidence to support the conviction.

21 Petitioner’s last three claims do not allege the violation of any federal law. This
22 Court may entertain a petition for a writ of habeas corpus “in behalf of a person in custody
23 pursuant to the judgment of a State court only on the ground that he is in custody in
24 violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a).
25 A violation of state law is not a cognizable basis for federal habeas relief. *See Estelle v.*
26 *McGuire*, 502 U.S. 62, 67-68 (1991). The last three claims will therefore be dismissed for
27 failure to state a cognizable basis for federal habeas relief.

1 of Change of Address.” She must comply with the Court’s orders in a timely fashion.
2 Failure to do so may result in the dismissal of this action for failure to prosecute pursuant
3 to Federal Rule of Civil Procedure 41(b).

4 IT IS SO ORDERED.

5 DATED: February 15, 2011

6 
7 _____
8 JEFFREY S. WHITE
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA
5

6 REENA CHOPRA,

7 Plaintiff,

8 v.

9 CALIFORNIA et al,

10 Defendant.
11 _____/

Case Number: CV09-00841 JSW

CERTIFICATE OF SERVICE

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on February 15, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
17 delivery receptacle located in the Clerk's office.

18 Reena Chopra
19 644 Fulton Street
20 #2
21 Redwood City, CA 94061

Dated: February 15, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk