

United States District Court  
For the Northern District of California

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

CHAZARUS HILL, Sr.,  
Petitioner,  
v.  
MATTHEW CATE, Secretary,  
Respondent.

No. C-09-3147 TEH (PR)  
ORDER TO SHOW CAUSE

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Petitioner, a state prisoner incarcerated at the Sierra Conservation Center in Jamestown, California, filed a pro se amended petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a judgment of conviction from Alameda County Superior Court. Doc. #7. After the Court issued an order to show cause, Respondent filed a motion to dismiss the amended petition on the ground that Petitioner failed to exhaust two claims contained therein. Doc. ## 8 & 11. After Respondent moved to dismiss, Petitioner filed a motion to stay the proceedings to allow him to return to state court to exhaust his unexhausted claims. Doc. #12. The Court granted Petitioner's motion to stay and closed the case

1 administratively. Doc. #13. After Petitioner exhausted all claims  
2 in state court, see Doc. #14 at 2, the Court granted his motion to  
3 lift the stay and reopened the action. Doc. #21. On October 3,  
4 2011, Petitioner filed the instant second amended petition  
5 containing all exhausted claims. Doc. #22.

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7 I

8 Petitioner was sentenced to twenty-six years to life in  
9 state prison following his convictions of first degree murder,  
10 assault on a child causing death and felony child abuse involving  
11 the infliction of great bodily injury on a child under the age of  
12 five. Doc. #22 at 2. The California Court of Appeal affirmed the  
13 judgment in an unpublished opinion, People v. Hill, No. A117040,  
14 2008 WL 2130476 (Cal. Ct. App. May 21, 2008), and the California  
15 Supreme Court denied his petition for review. Id. On December 1,  
16 2010, the California Supreme Court denied an exhaustion petition  
17 filed there. Doc. #14 at 2.

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19 II

20 This Court may entertain a petition for a writ of habeas  
21 corpus "in behalf of a person in custody pursuant to the judgment of  
22 a State court only on the ground that he is in custody in violation  
23 of the Constitution or laws or treaties of the United States."  
24 28 U.S.C. § 2254(a). It shall "award the writ or issue an order  
25 directing the respondent to show cause why the writ should not be  
26 granted, unless it appears from the application that the applicant  
27 or person detained is not entitled thereto." 28 U.S.C. § 2243.



