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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

PHILIP JOSEPH SCOMA,

Plaintiff,

No. C 09-03295 JSW

v.

ANTHONY HEDGPETH, Warden of Salinas  
Valley State Prison,**ORDER TO SHOW CAUSE**Defendant.  

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Petitioner, Philip Joseph Scoma, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

**BACKGROUND**

Petitioner was acquitted of attempted murder, but found guilty of the lesser included offense of attempted voluntary manslaughter for the shooting of his son, Nicholas Scoma. Petitioner was sentenced to a term of ten years in prison. Petitioner is currently incarcerated at Salinas Valley State Prison in Soledad, California.

**LEGAL CLAIMS**

Petitioner seeks habeas relief and challenges the judgment and conviction on the grounds that they are invalid in violation of the Sixth and Fourteenth Amendments to the United States Constitution. Petitioner contends that the trial court improperly instructed as to the required intent to convict Petitioner of attempted voluntary manslaughter. Petitioner also contends that he was deprived his right to effective assistance of counsel at trial and on appeal.

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Liberal construed, the claims appear potentially colorable under 28 U.S.C. § 2254 and merit an answer from Respondent.


**CONCLUSION**

For the foregoing reasons and for good cause shown:

1. The Clerk shall serve by certified mail a copy of this Order and the petition, and all attachments thereto upon Respondent and Respondent’s attorney, the Attorney General of the State of California.
2. Respondent shall file with the Court and serve on Petitioner, within 60 days of the date of this Order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the administrative record that are relevant to a determination of the issues presented by the petition.
3. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the Court and serving it on Respondent within 30 days of his receipt of the answer.

**IT IS SO ORDERED.**

Dated: March 12, 2010

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE