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

WYATILLIUS HOWARD,

Petitioner,

No. C 09-04750 JSW

v.

MICHAEL S. EVANS, Warden,

ORDER

Respondent.

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

BACKGROUND

Petitioner was convicted in the Superior Court of the State of California in and for the County of Alameda for violation of California Penal Code §§ 187, 12022(a) for second degree murder and an arming enhancement based on his co-defendant’s use of a firearm during the commission of the charged homicide. On July 14, 1993, he was sentenced to a term of 18 years to life, which was later modified to a term of 16 years to life.

Petitioner filed a petition for writ of habeas corpus raising the same issues as presented in his federal habeas in the California Superior Court, the California Court of Appeal and in the Supreme Court of California, which denied his petition for review on September 9, 2009. This is Petitioner’s second federal habeas petition, but the first habeas petition raising these issues.

DISCUSSION

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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: December 23, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE