

United States District Court
For the Northern District of California

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

MARCOS REIS-CAMPOS,

No. C 12-03369 SI

Petitioner,

ORDER TO SHOW CAUSE

v.

MARTIN BITER,

Respondent.

Marcos Reis-Campos, a prisoner incarcerated at the Kern Valley State Prison, in Delano, California, filed this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. His petition is now before the court for review pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases.

BACKGROUND

Petitioner Reis-Campos was convicted in San Francisco Superior Court of second degree murder (Cal. Penal Code § 187), with gang enhancements (Cal. Penal Code § 182.22(b)(1)); and of active gang participation (Cal. Penal Code § 186.22(a)). Petitioner was convicted of killing Guillermo Fuentes, a leader in the MS-13 gang. Petitioner was sentenced him to an aggregate sentence of 50 years to life imprisonment.

Reis-Campos appealed, arguing that the prosecution had suppressed material information favorable to his defense in violation of his due process rights as established by *Brady v. Maryland*, and that the trial court had erroneously curtailed his cross-examination of a key expert prosecution witness. Reis-Campos’s conviction was affirmed by the California Court of Appeal and his petition for review was denied by the California Supreme Court.

1 failed to correct, the perjured testimony of the prosecution's expert witness. These claims are
2 cognizable in a federal habeas action.

3
4 **CONCLUSION**

5 For the foregoing reasons,

- 6 1. The petition states a cognizable claim for habeas relief and warrants a response.
- 7 2. The clerk shall serve by certified mail a copy of this order, the petition and all
8 attachments thereto upon respondent and respondent's attorney, the Attorney General
9 of the State of California. The clerk shall also serve a copy of this order on petitioner.
- 10 3. Respondent must file and serve upon petitioner, on or before **July 22, 2013**, an answer
11 conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases,
12 showing cause why a writ of habeas corpus should not be issued. Respondent must file
13 with the answer a copy of all portions of the court proceedings that have been previously
14 transcribed and that are relevant to a determination of the issues presented by the
15 petition.
- 16 4. If petitioner wishes to respond to the answer, he must do so by filing a traverse with the
17 court and serving it on respondent on or before **August 21, 2013**.
- 18 5. Petitioner is responsible for prosecuting this case. Petitioner must promptly keep the
19 court informed of any change of address and must comply with the court's orders in a
20 timely fashion.
- 21 6. Petitioner is cautioned that he must include the case name and case number for this case
22 on any document he submits to this court for consideration in this case.

23
24 **IT IS SO ORDERED.**

25
26 Dated: May 23, 2013

27 
28 _____
SUSAN ILLSTON
United States District Judge