

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
SAN FRANCISCO DIVISION

BRIAN DEAN HEDLIN,

No. C 12-03560 RS

Petitioner,

ORDER TO SHOW CAUSE

v.

GREG LEWIS, Warden,

Respondent.

This is a federal habeas corpus action filed pursuant to 28 U.S.C. § 2254 by a represented prisoner of Pelican Bay State Prison. Petitioner alleges that an unconstitutional jury instruction on liability under an aiding and abetting theory, an improper reference by the prosecutor, the denial of severance of trial, and the deprivation of an opportunity to present a defense of lesser culpability, resulted in his wrongful conviction for first degree murder, two counts of premeditated murder, false imprisonment and first degree burglary. The state trial court sentenced petitioner to an aggregate term of 80 years and 8 months to life in prison. Judgment was affirmed on appeal by the California Court of Appeal, and a timely petition for review was denied. Petitioner has exhausted his opportunities for relief in state court. Liberally construed, petitioner’s claims for relief appear cognizable for habeas review.

ORDER

1 Respondent is ordered to show cause why this petition should not be granted.
2 Respondent shall file its response with the Court and serve on petitioner, within ninety (90) days
3 of the date of this Order. If petitioner wishes to respond to the answer, he shall do so by filing a
4 traverse with the Court and serving it on respondent's counsel within thirty (30) days of the date
5 the answer is filed.

6 IT IS SO ORDERED.

7
8 DATED: 1/17/13



9
10 RICHARD SEEBORG
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER