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

SLIM MANAI,

Plaintiff,

v.

MATHEW CATES,

Defendant.

No. C 12-04399 CRB

ORDER TO SHOW CAUSE

Petitioner Slim Manai, a state prisoner incarcerated at the California Men's Colony State Prison in San Luis Obispo, California, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. See generally Petition (dkt. 17). Petitioner was convicted of first degree burglary of a home with intent to commit a felony, oral copulation against the victims' will(s), sexual battery using physical restraint, assault with a deadly weapon, criminal threat, and assault with a deadly weapon. Id. at 3, 16. Petitioner argues that there are four grounds for relief: (1) that the trial court erred in precluding the defense from inquiring into evidence that the complaining witnesses were involved in a romantic relationship; (2) that the trial court's refusal to replace a biased juror denied Petitioner his right to an impartial jury; (3) that the trial court's admission of evidence of Petitioner's foreign crime violated his right to a fair trial; and (4) that the cumulative effect of the trial court's errors denied him his right to a fair trial. Id. at 19-58.

1 A court may entertain a petition for a writ of habeas corpus “in behalf of a person in
2 custody pursuant to the judgment of a State court only on the ground that he is in custody in
3 violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). It
4 shall “award the writ or issue an order directing the respondent to show cause why the writ
5 should not be granted, unless it appears from the application that the applicant or person
6 detained is not entitled thereto.” Id. § 2243.

7 The Court has reviewed the petition and finds good cause to proceed. Accordingly,


8 1. The Clerk of the Court shall serve by certified mail a copy of this Order
9 and the petition and all attachments thereto upon the Respondents and the Respondents’
10 counsel, the Attorney General of the State of California. The Clerk shall also serve a copy of
11 this Order on the Petitioner’s counsel.

12 2. Respondents shall file with this Court and serve upon the Petitioner,
13 within sixty (60) days of the issuance of this Order, an answer conforming in all respects to
14 Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas
15 corpus should not be issued. Respondents shall file with the answer a copy of all portions of
16 the state trial and appellate record that have been transcribed previously and that are relevant
17 to a determination of the issues presented by the petition.

18 3. If the Petitioner wishes to respond to the answer, he shall do so by filing
19 a traverse with the Court and serving it upon the Respondents within thirty (30) days of his
20 receipt of the answer.

21 **IT IS SO ORDERED.**

22
23 Dated: February 21, 2014

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25 _____
26 CHARLES R. BREYER
27 UNITED STATES DISTRICT JUDGE
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