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

<p>LaPATRICK A. JOHNSON, G62253,</p> <p style="padding-left: 40px;">Petitioner,</p> <p style="padding-left: 40px;">vs.</p> <p>RON BARNES, Acting Warden,</p> <p style="padding-left: 40px;">Respondent.</p> <hr style="width: 30%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. C 12-5897 CRB (PR)</p> <p>ORDER TO SHOW CAUSE</p> <p>(Docket # 4)</p>
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Petitioner, a prisoner incarcerated at High Desert State Prison (HDSP), has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a conviction from Alameda County Superior Court. He also seeks to proceed in forma pauperis under 28 U.S.C. § 1915.

BACKGROUND

Petitioner was convicted by a jury of two counts of committing a lewd act on a child. The court also found that petitioner had suffered seven prior convictions and had served six prior prison terms. On June 2, 2009, he was sentenced to 55 years to life in state prison.

Petitioner unsuccessfully appealed his conviction to the California Court of Appeal and the Supreme Court of California. He also unsuccessfully sought collateral relief from the state courts. On October 10, 2012, the Supreme Court of California denied his final state petition for a writ of habeas corpus.

1 **DISCUSSION**

2 A. Standard of Review

3 This court may entertain a petition for a writ of habeas corpus "in behalf
4 of a person in custody pursuant to the judgment of a State court only on the
5 ground that he is in custody in violation of the Constitution or laws or treaties of
6 the United States." 28 U.S.C. § 2254(a).

7 It shall "award the writ or issue an order directing the respondent to show
8 cause why the writ should not be granted, unless it appears from the application
9 that the applicant or person detained is not entitled thereto." Id. § 2243.

10 B. Claims

11 Petitioner seeks federal habeas corpus relief by raising several claims,
12 including ineffective assistance of counsel, suppression of material evidence,
13 prosecutorial misconduct, evidentiary and instructional error, and insufficiency of
14 the evidence. Liberally construed, the claims appear minimally cognizable under
15 § 2254 and merit an answer from respondent. See Zichko v. Idaho, 247 F.3d
16 1015, 1020 (9th Cir. 2001) (federal courts must construe pro se petitions for writs
17 of habeas corpus liberally).

18 **CONCLUSION**

19 For the foregoing reasons and for good cause shown,

20 1. Petitioner's request to proceed in forma pauperis (docket # 4) is
21 GRANTED.

22 2. The clerk shall serve a copy of this order and the petition and all
23 attachments thereto on respondent and respondent's attorney, the Attorney
24 General of the State of California. The clerk also shall serve a copy of this order
25 on petitioner.

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