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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABA D. CZEKUS,

No. C-13-2928 EMC (pr)

Petitioner,

v.

ORDER ON INITIAL REVIEW

W. KNIPP, Warden,

Respondent.

I. INTRODUCTION

Petitioner, an inmate at Mule Creek State Prison, filed this *pro se* action seeking 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 in the United States District Courts.

II. BACKGROUND

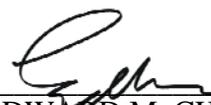
The petition and attachments thereto provide the following information: Petitioner pled *nolo contendere* and was convicted in Santa Clara County Superior Court of aggravated sexual assault of a child and committing a lewd and lascivious act upon a child under age 14. *See* Cal. Penal Code §§ 269, 288(b)(1). He was sentenced on December 15, 2009 to 32 years in state prison. He states that he appealed in 2011, although it appears that he is referring to his state habeas petitions. *See* Docket # 1, p. 3. His state habeas petitions were unsuccessful: the Santa Clara County Superior Court denied his petition in 2011; the California Court of Appeal denied his petition in 2011; and the California Supreme Court denied his petition in 2012.

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5. The motion will be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion. If Respondent notifies the Court that a motion to dismiss is unwarranted or the motion to dismiss is decided against Respondent, the Court will then determine whether to require an answer to the petition.

IT IS SO ORDERED.

Dated: July 17, 2013


EDWARD M. CHEN
United States District Judge