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

LARRY DOUGLAS, AE2986,	)	
	)	
Petitioner,	)	No. C 13-4655 CRB (PR)
	)	
vs.	)	ORDER TO SHOW CAUSE
	)	
R. T. C. GROUNDS, Warden,	)	(Docket #2 & 3)
	)	
Respondent.	)	
_____	)	

Petitioner, a state prisoner incarcerated at Salinas Valley State Prison, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a conviction from Santa Clara County Superior Court. Petitioner also seeks appointment of counsel and leave to proceed in forma pauperis under 28 U.S.C. § 1915.

**BACKGROUND**

Petitioner was convicted by a jury of two counts of attempted murder, two counts of assault with a firearm, one count of pimping and one count of pandering. The jury also found true allegations that petitioner acted willfully, deliberately and with premeditation in the commission of the attempted murders, personally used a firearm in the commission of the assaults and the attempted murders, and personally and intentionally discharged a firearm in the commission of the attempted murders. The court found true allegations that petitioner had

1 suffered a prior serious felony strike conviction and a prison prior, and, on July  
2 14, 2010, sentenced him to state prison for a life term consecutive to a  
3 determinate term of 58 years.

4 Petitioner unsuccessfully appealed his conviction to the California Court  
5 of Appeal and the Supreme Court of California, which on October 10, 2012  
6 denied review of a petition allegedly raising the same claims raised here.

7 **DISCUSSION**

8 A. Standard of Review

9 This court may entertain a petition for a writ of habeas corpus “in behalf  
10 of a person in custody pursuant to the judgment of a State court only on the  
11 ground that he is in custody in violation of the Constitution or laws or treaties of  
12 the United States.” 28 U.S.C. § 2254(a).

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

16 B. Claims

17 Petitioner seeks federal habeas corpus relief by raising the following  
18 claims: (1) the trial court prejudicially erred in responding to a question from the  
19 jury regarding the intent element of attempted murder, (2) the trial court  
20 prejudicially erred in failing to instruct the jury that a prosecution witness was an  
21 accomplice, (3) the prosecutor engaged in prosecutorial misconduct, (4) there  
22 was insufficient evidence to support the pimping and pandering convictions, and  
23 (5) cumulative prejudice. Liberally construed, the claims appear cognizable  
24 under § 2254 and merit an answer from respondent. See Zichko v. Idaho, 247  
25 F.3d 1015, 1020 (9th Cir. 2001) (federal courts must construe pro se petitions for  
26 writs of habeas corpus liberally).



1 presented by the petition.

2 If petitioner wishes to respond to the answer, he shall do so by filing a  
3 traverse with the court and serving it on respondent within 30 days of his receipt  
4 of the answer.

5 4. Respondent may file a motion to dismiss on procedural grounds in  
6 lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the  
7 Rules Governing Section 2254 Cases. If respondent files such a motion,  
8 petitioner must serve and file an opposition or statement of non-opposition not  
9 more than 28 days after the motion is served and filed, and respondent must serve  
10 and file a reply to an opposition not more than 14 days after the opposition is  
11 served and filed.

12 5. Petitioner is reminded that all communications with the court must  
13 be served on respondent by mailing a true copy of the document to respondent's  
14 counsel. Petitioner must also keep the court and all parties informed of any  
15 change of address.

16 SO ORDERED.

17 DATED: Dec. 12, 2013

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19 \_\_\_\_\_  
20 CHARLES R. BREYER  
21 United States District Judge