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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALEX MICHAEL OLACHEA, G00519,  
Petitioner,  
v.  
ERIC ARNOLD, Warden,  
Respondent.

Case No. 17-1149 SK (PR)

**ORDER TO SHOW CAUSE**  
(ECF No. 3)

Petitioner, a state prisoner incarcerated at California State Prison, Solano, has filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a conviction and sentence from Alameda County Superior Court. He also seeks leave to proceed *in forma pauperis* (IFP) under 28 U.S.C. § 1915.

The petition is properly before the undersigned for initial review because petitioner has consented to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636(c).

**BACKGROUND**

Petitioner was convicted by a jury of second degree murder, attempted murder, and two counts of weapons possession. The jury also found true various enhancement allegations, including four prior felony convictions and two prior prison terms. On October 24, 2012, petitioner was sentenced to 76 years to life in state prison.

Petitioner appealed, but on December 31, 2014, the California Court of Appeal affirmed the judgment of the trial court, and on March 18, 2015, the Supreme Court of California denied review. He also unsuccessfully sought habeas relief from the state courts until the state high court denied his final state petition on February 1, 2017.



1 State of California. The clerk also shall serve a copy of this order on petitioner.

2 3. Respondent shall file with the court and serve on petitioner, within 60 days  
3 of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules  
4 Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be  
5 granted. Respondent shall file with the answer and serve on petitioner a copy of all  
6 portions of the state trial record that have been transcribed previously and that are relevant  
7 to a determination of the issues presented by the petition.

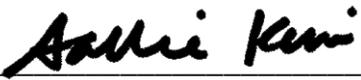
8 If petitioner wishes to respond to the answer, he shall do so by filing a traverse with  
9 the court and serving it on respondent within 30 days of his receipt of the answer.

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

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

19 **IT IS SO ORDERED.**

20 Dated: April 24, 2017

  
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SALLIE KIM  
United States Magistrate Judge

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