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

BARTON WILLIAMS,  
Petitioner,

No. C 20-4776 WHA (PR)

**ORDER TO SHOW CAUSE**

v.

CHRISTIAN PFEIFFER,  
Respondent.

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**INTRODUCTION**

Petitioner, a California prisoner, filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his conviction. Petitioner paid the filing fee. A case management order was issued in error and can be disregarded by the parties (ECF Nos. 6, 7). For the reasons discussed below, respondent is ordered to show cause why the petition should not be granted.

**STATEMENT**

In 2015, petitioner was convicted of first-degree murder and sentenced to a term of 75 years to life plus ten years in state prison. His direct appeal to the California Supreme Court resulted in resentencing in 2019. The claims raised herein were presented to the California Supreme Court on direct review.

**ANALYSIS**

**A. STANDARD OF REVIEW**

This court may entertain a petition for writ of habeas corpus "in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in

1 violation of the Constitution or laws or treaties of the United States." 28 U.S.C. 2254(a); *Rose*  
2 *v. Hodges*, 423 U.S. 19, 21 (1975). Habeas corpus petitions must meet heightened pleading  
3 requirements. *McFarland v. Scott*, 512 U.S. 849, 856 (1994). An application for a federal writ  
4 of habeas corpus filed by a prisoner who is in state custody pursuant to a judgment of a state  
5 court must "specify all the grounds for relief which are available to the petitioner ... and shall  
6 set forth in summary form the facts supporting each of the grounds thus specified." Rule 2(c) of  
7 the Rules Governing Section 2254 Cases, 28 U.S.C. foll. 2254. "[N]otice' pleading is not  
8 sufficient, for the petition is expected to state facts that point to a 'real possibility of  
9 constitutional error.'" Rule 4 Advisory Committee Notes (quoting *Aubut v. Maine*, 431 F.2d  
10 688, 689 (1st Cir. 1970)).

11 **B. LEGAL CLAIMS**

12 Petitioner claims that the instructions on arson felony-murder were erroneous, that  
13 counsel was ineffective in failing to object to prosecutorial misconduct, and that cumulative  
14 effect of the foregoing errors rendered his trial fundamentally unfair in violation of his right to  
15 due process. These claims, when liberally construed, are cognizable and warrant an answer  
16 from respondent.

17 **CONCLUSION**

18 For the foregoing reasons,

19 1. The clerk shall mail a copy of this order and the petition with all attachments to the  
20 respondent and the respondent's attorney, the Attorney General of the State of California. The  
21 clerk shall also serve a copy of this order on the petitioner.

22 2. Respondent shall file with the court and serve on petitioner, within **ninety-one (91)**  
23 **days** of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules  
24 Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be  
25 granted based on the claim found cognizable herein. Respondent shall file with the answer and  
26 serve on petitioner a copy of all portions of the state prison disciplinary proceedings that are  
27 relevant to a determination of the issues presented by the petition.

28 If petitioner wishes to respond to the answer, he shall do so by filing a traverse with the

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court and serving it on respondent within **twenty-eight days** of the date the answer is filed.

3. Respondent may file, within **ninety-one (91) days**, a motion to dismiss on procedural grounds in lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If respondent files such a motion, petitioner shall file with the court and serve on respondent an opposition or statement of non-opposition within **twenty-eight days** of the date the motion is filed, and respondent shall file with the court and serve on petitioner a reply within **fourteen days** of the date any opposition is filed.

4. Petitioner is reminded that all communications with the court must be served on respondent by mailing a true copy of the document to respondent’s counsel. Petitioner must keep the court informed of any change of address and must comply with the court’s orders in a timely fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

Dated: November 18, 2020.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE