

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 OAKLAND DIVISION
9

10 Steven W. BONILLA,

11
12 Petitioner,

13 v.

14 Vincent CULLEN, Acting Warden of
15 San Quentin State Prison,

16 Respondent.

Case Number 08-0471 CW

DEATH PENALTY CASE

ORDER

17
18 Petitioner Steven Bonilla has been sentenced to death by the
19 Superior Court of California for the County of Alameda. Although
20 his state habeas case is currently being litigated, he has filed
21 a "protective petition" in this Court pursuant to Pace v.
22 DiGuglielmo, 544 U.S. 408 (2005).
23

24 Pursuant to Habeas Local Rule 2254-25, this Court earlier
25 granted his request for appointment of counsel and referred this
26 action to the Northern District's Selection Board for the
27 recommendation of qualified counsel to represent Petitioner in
28 these proceedings. Pursuant to Habeas Local Rule 2254-24(a),
Petitioner's concurrent request for a stay of execution was also

1 granted.

2 On July 15, 2010, Petitioner filed a pro se pleading
3 containing numerous requests and motions. Per an order filed
4 July 22, 2010, all of Petitioner's requests and motions were
5 DENIED.

6 On July 23, 2010, Petitioner filed another pro se pleading,
7 this one "[r]equesting clarification by the federal court on the
8 affect that 18 U.S.C. § 2703(c) and (d) had on a person's 4th
9 Amendment Right to privacy in their telephone toll records."
10 Petitioner also notified the Court of what he claims is a
11 violation of his constitutional rights with regards to the
12 gathering of certain evidence used in his criminal trial.

13 As were various issues in Petitioner's pleading of July 15,
14 2010, these issues are not ripe for this Court to consider.
15 Among other things, Petitioner's state habeas matter is still
16 pending in the state court. Thus, the Court DENIES Petitioner's
17 requests in full, including his request for discovery and his
18 request for a hearing.

19 For the foregoing reasons, all of Petitioner's requests and
20 motions contained in his pleading of July 22, 2010 are DENIED.

21 IT IS SO ORDERED.

22

23

24 DATED: 7/26/2010


CLAUDIA WILKEN
United States District Judge

25

26

27

28

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 STEVEN W. BONILLA,

5 Plaintiff,

6 v.

7 ROBERT AYERS JR. et al,

8 Defendant.

Case Number: CV08-00471 CW

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on July 26, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
14 receptacle located in the Clerk's office.

15 California Appellate Project
16 Federal Court Docketing
17 101 Second Street
18 Suite 600
19 San Francisco, CA 94105

20 Habeas Corpus Resource Center
21 303 Second Street, Suite 400 South
22 San Francisco, CA 94107

23 Steven W. Bonilla J-48500
24 CSP-San Quentin
25 CA State Prison at San Quentin
26 San Quentin, CA 94974

27 Dated: July 26, 2010

28 Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk