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

7 Steven W. BONILLA,

Case Number C 08-0471 CW

8
9 Petitioner,

DEATH PENALTY CASE

10 v.

Case Number CR 88-259 MISC
AJZ (closed)

11 Vincent CULLEN, Acting Warden of
12 San Quentin State Prison,

Case Number C 11-0441 SBA

13 Respondent.
14

ORDER

15
16 Petitioner Steven Bonilla has been sentenced to death by the
17 Superior Court of California for the County of Alameda. Although
18 his state habeas case is currently being litigated, he has filed
19 a "protective petition" in this Court pursuant to Pace v.
20 DiGuglielmo, 544 U.S. 408 (2005).
21

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

Although his state habeas case is still pending, Petitioner

1 has filed numerous pro se requests and motions in C 08-0471. All
2 of them have denied by this Court or withdrawn by Petitioner.

3 Petitioner has also filed numerous pleadings, including a
4 counterclaim, in CR 88-259 MISC AJZ, a closed case. The judge
5 assigned to that case being no longer available, the General Duty
6 Judge referred Petitioner's requests to the undersigned.

7 Petitioner's counterclaim is DISMISSED, and all other
8 pending requests and motions in CR 88-259 MISC AJZ are DENIED.
9 The case is closed and has been for over two decades; as a
10 result, no other filings regarding CR 88-259 MISC AJZ will be
11 accepted by this Court.

12 Petitioner has also filed a Notice of Appeal, purportedly
13 concerning both C 08-0471 and CR 88-259 MISC AJZ, with the Ninth
14 Circuit. This Court notes that no appealable orders have been
15 filed in C 08-0471.

16 Finally, Petitioner has filed yet another pleading alleging
17 numerous violations and making numerous claims. This pleading,
18 while captioned by Petitioner as concerning CR 88-259 MISC AJZ,
19 was filed as a new civil complaint and docketed as C 11-0441 SBA.
20 This Court finds that C 11-0441 is related to C 08-0471 pursuant
21 to Civil L.R. 3-12 and is hereby reassigned to the undersigned.
22 Because it is without merit and because it attempts, without good
23 cause, to re-open a case closed for over two decades,
24 Petitioner's new complaint is DISMISSED WITH PREJUDICE.

25
26 IT IS SO ORDERED.

27 DATED: 2/16/2011

28 
CLAUDIA WILKEN
United States District Judge

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

4
5
6 STEVEN W. BONILLA,
7 Plaintiff,

Case Number: CV08-00471 CW

CERTIFICATE OF SERVICE

8 v.

9 ROBERT AYERS JR. et al,
10 Defendant.

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on February 16, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
17 delivery receptacle located in the Clerk's office.

18 California Appellate Project
19 Federal Court Docketing
20 101 Second Street
21 Suite 600
22 San Francisco, CA 94105

23 Habeas Corpus Resource Center
24 303 Second Street, Suite 400 South
25 San Francisco, CA 94107

26 Steven W. Bonilla J-48500
27 CSP-San Quentin
28 CA State Prison at San Quentin
San Quentin, CA 94974

Dated: February 16, 2011

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