

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MICHAEL IZELL BROWN SEALS,

Petitioner,

vs.

GREG D. LEWIS,

Respondent.

No. C 13-3975 PJH (PR)

**ORDER DENYING MOTION TO
AMEND**

Petitioner, a former California prisoner had filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The case was dismissed without prejudice when mail sent to petitioner was returned as undeliverable. Petitioner has provided an updated address and has filed a motion to amend.

Petitioner was sentenced on September 24, 2001. The court originally ordered petitioner to show cause why this case should not be dismissed as untimely. Petitioner has still not replied to the court's order. Petitions filed by prisoners challenging non-capital state convictions or sentences must be filed within one year of the latest of the dates on which: (1) the judgment became final after the conclusion of direct review or the time passed for seeking direct review; (2) an impediment to filing an application created by unconstitutional state action was removed, if such action prevented petitioner from filing; (3) the constitutional right asserted was recognized by the Supreme Court, if the right was newly recognized by the Supreme Court and made retroactive to cases on collateral review; or (4) the factual predicate of the claim could have been discovered through the exercise of due diligence. 28 U.S.C. § 2244(d)(1).

Petitioner argued that prior bad acts were improperly admitted in his 2001 trial. To

1 proceed with this case petitioner must respond to the court's order to show cause and file a
2 brief motion seeking to reopen the case

3 **CONCLUSION**

4 1. The motion to amend (Docket No. 10) is **DENIED** and petitioner shall show cause
5 by **April 21, 2014**, why this petition should not be dismissed as untimely and he shall file a
6 motion to reopen the case.

7 2. The Clerk shall change the address on the docket and serve petitioner at 1215
8 "S" Street, Apt. B, Eureka, CA 95501

9 **IT IS SO ORDERED.**

10 Dated: March 20, 2014.



PHYLLIS J. HAMILTON
United States District Judge

11
12 G:\PRO-SE\PJH\HC.13\Brown-Seals3975.ord.wpd
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28