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3 UNITED STATES DISTRICT COURT  
4 SOUTHERN DISTRICT OF CALIFORNIA  
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6 Walter L. HOSLEY,  
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9 v.  
10 Sandra ALFARO,  
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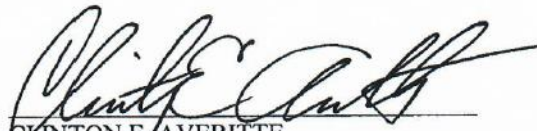
Petitioner,  
Respondent.

Case No.: 15-cv-0877-JAH-AGS

**ORDER DENYING PETITIONER'S  
MOTION FOR RESENTENCING  
(ECF No. 38)**

Hosley, a state prisoner, has a pending petition pursuant to 28 U.S.C. § 2254 for review of his state court judgment. moves this Court for an order to resentence him as a result of a change in state law. Specifically, he argues that California “Senate Bill[s] 1392 and 1393” requires that this Court “remove petitioner[’]s priors, and enhancements.” (Mot., ECF No. 38, at 1-2.) But this Court does not sit as an appellate court over state law, *see Estelle v. McGuire*, 502 U.S. 62, 67-68 (1991), and has no authority to resentence Hosley’s state criminal judgment due to a change in state law. *See Ozuna v. Pfeiffer*, No. CV 16-7823-SJO(E), 2017 WL 634535, at \*6 (N.D. Cal. Aug. 3, 2017) (noting that a change in state sentencing law does not affect the availability of federal habeas relief). Instead, if he seeks resentencing as a result of a change in state law, he must request that relief from the Californian courts. Accordingly, the motion for resentencing is denied.

Dated: August 3, 2018

  
CLINTON E. AVERITTE  
UNITED STATES MAGISTRATE JUDGE