

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLAH,

Petitioner,

Case No. C17-0458-RSM-MAT

V.

WASHINGTON STATE SUPREME COURT,
et al.,

Respondents.

ORDER TO SHOW CAUSE

14 Petitioner Allah is a state prisoner who is currently confined at the Washington State
15 Penitentiary in Walla Walla, Washington. He has submitted to the Court for filing a pleading
16 which he identifies as a petition for writ of mandamus, but which the Court construes as a petition
17 for writ of habeas corpus because petitioner seeks to challenge therein the validity of a 2002
18 judgment of the King County Superior Court (Case No. 02-1-02047-6). (See Dkt. 1.) Petitioner
19 appears to claim in his petition that the 2002 judgment is invalid because it does not name
20 “Allah©” as the defendant. (See *id.* at 7-8.) Petitioner appears to further claim that the Washington
21 Department of Corrections has no records whatsoever naming “Allah©” as a defendant and his
22 current confinement is therefore unlawful. (See *id.*) Petitioner asks that this Court compel the
23 judges of the Washington Supreme Court and the Washington Court of Appeals, Divisions I and

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1 III, to dismiss the 2002 King County case “for lack of jurisdiction and malicious prosecution.”
2 (Dkt. 1 at 4.) Petitioner also seeks compensation in the amount of \$50,000 for his alleged unlawful
3 confinement, an unlimited hotel voucher for the Four Seasons Olympic Hotel in Seattle, immediate
4 release from the Washington State Penitentiary, and taxi fare back to Seattle. (*See id.*)

5 Petitioner is a frequent litigant in this Court who has repeatedly attempted to challenge
6 various state court judgments, including the 2002 King County Superior Court judgment at issue
7 in this action. *See Allah v. Frakes*, C12-484-TSZ, *Allah v. Robinson*, C14-1234-TSZ, and *Allah*
8 *v. Holbrook*, C16-535-RSL. Petitioner’s challenges to his 2002 judgment have previously been
9 rejected because of his failure to clearly identify the federal constitutional grounds upon which he
10 was seeking relief from the judgement, and his failure to show that the claims pertaining to his
11 2002 judgment had been properly exhausted in the state courts. *See id.* The instant petition is
12 similarly deficient.

13 While petitioner identifies in his petition a number of constitutional amendments that he
14 appears to believe support his request for release from custody (*see* Dkt. 1 at 3), he has yet to
15 clearly articulate a viable constitutional claim, and he has yet to show that any constitutional claims
16 pertaining to his 2002 judgment have been properly exhausted in the state courts.¹ In addition, it
17 appears clear that even if petitioner had presented a viable claim for relief in the instant petition,
18 another impediment stands in his way of obtaining review in this Court; *i.e.*, the federal statute of
19 limitations. Pursuant to 28 U.S.C. § 2244(d), a one year statute of limitations applies to any

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¹ Petitioner submitted materials in conjunction with the instant petition which suggest that he recently
22 attempted to appeal his 2002 judgment to the Washington Court of Appeals. (*See* Dkt. 1 at 16.) However, the appeal
23 was rejected because petitioner’s submission was procedurally deficient and because his notice of appeal was filed
“approximately 15 years beyond the 30 day time limit.” (*See* Dkt. 1 at 16.) Nothing in the record provided by
petitioner suggests any proper exhaustion of state court remedies.

1 application for a writ of habeas corpus filed by a person in custody pursuant to a judgment of a
2 state court. Though it is not entirely clear when petitioner's 2002 state court judgment became
3 final, the materials in the record before this Court suggest that it was approximately 15 years ago,
4 well beyond the statutory limitations period.

5 Accordingly, the Court hereby ORDERS as follows:

6 (1) Petitioner shall SHOW CAUSE not later than ***June 9, 2017*** why the instant federal
7 habeas petition should not be dismissed as untimely under 28 U.S.C. § 2244(d).

8 (2) The Clerk is directed to send copies of this Order to petitioner and to the Honorable
9 Ricardo S. Martinez.

10 DATED this 9th day of May, 2017.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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