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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 JESSEY F REED,

10 Petitioner,

CASE NO. C15-5063 RBL-JRC

11 v.

ORDER TO SHOW CAUSE

12 PATRICK GLEBE,

13 Respondent.

14 The District Court referred this petition for a writ of habeas corpus filed pursuant to 28
15 U.S.C. § 2254 to United States Magistrate Judge J. Richard Creatura. The referral is made
16 pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and
17 MJR4.

18 Petitioner is challenging the validity of a 1998 judgment and sentence on a guilty plea
19 (Dkt. 7). Petitioner filed a personal restraint petition in 2013 (Dkt. 7, p. 3). The Washington
20 State Court of Appeals dismissed the petition as time barred under state law (Dkt. 8-3 pp. 2-4).

21 Federal habeas corpus petitions are subject to a statute of limitations under the 1996
22 amendments to 28 U.S.C. § 2244(d), as part of the Antiterrorism and Effective Death Penalty
23 Act (AEDPA). 28 U.S.C. § 2244(d) provides as follows:
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1 (d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas
2 corpus by a person in custody pursuant to the judgment of a State court. The
3 limitation period shall run from the latest of--

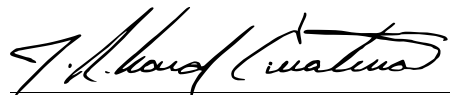
- 4 (A) the date on which the judgment became final by the conclusion of
5 direct review or the expiration of the time for seeking such review;
6 (B) the date on which the impediment to filing an application created by
7 State action in violation of the Constitution or laws of the United States is
8 removed, if the applicant was prevented from filing by such State action;
9 (C) the date on which the constitutional right asserted was initially
10 recognized by the Supreme Court, if the right has been newly recognized
11 by the Supreme Court and made retroactively applicable to cases on
12 collateral review; or
13 (D) the date on which the factual predicate of the claim or claims
14 presented could have been discovered through the exercise of due
15 diligence.

16 (2) The time during which a properly filed application for State post-conviction or
17 other collateral review with respect to the pertinent judgment or claim is pending
18 shall not be counted toward any period of limitation under this subsection.

19 Pursuant to 28 U.S.C.A. § 2244(d)(1)(A), the limitation period begins on the date on
20 which the state court judgment became final. In this case that would have been the date of
21 sentencing, January 20, 1998 (Dkt. 7, p. 1). The Court has no documents before it showing that
22 petitioner filed anything that would have tolled the running of the statute of limitations prior to
23 its expiration on January 21, 1999. Thus, petitioner's habeas corpus petition is untimely.

24 The Court orders petitioner to show cause why this petition should not be dismissed prior
to service. Petitioner must file a response to this order on or before April 24, 2015 or the Court
will recommend dismissal of this petition. After consideration of petitioner's response, the Court
will take further action.

Dated this 13th day of March, 2015.



J. Richard Creatura
United States Magistrate Judge