

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Sione K. Motuapuaka v. E. Sariano

Case No. 25-cv-07876-WHO (PR), Dkt. No. 3 · No. 25-cv-07876-WHO (PR) · Decided January 27, 2026

OPINION

Motuapuaka

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 SIONE K. MOTUAPUAKA, Case No. 25-cv-07876-WHO (PR) Petitioner, 8

ORDER TO SHOW CAUSE

v. 9

10 E. SARIANO,

Dkt. No. 3 Respondent. 11 12

13 INTRODUCTION

14 Petitioner Sione K. Motuapuaka seeks federal habeas relief under 28 U.S.C. § 2254 15 from
the state court’s resentencing decision. The petition for such relief is now before me 16 for review
pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 17 Cases. 18 The
petition states cognizable due process and ineffective assistance of counsel 19 claims.
Accordingly, on or before June 1, 2026, respondent shall file an answer or a 20 dispositive motion
in response to the petition. (Dkt. No. 1). 21 Motuapuaka’s motion to proceed in forma pauperis is
GRANTED. (Dkt. No. 3.) 22 The Clerk shall terminate all pending motions.

23 BACKGROUND

24 In 2010, petitioner Sione K. Motuapuaka pleaded guilty in the San Mateo Couty
25 Superior Court to two counts of second degree burglary; four counts of second degree 26
robbery; false imprisonment; kidnapping; and assault with a firearm. (Pet., Dkt. No. 1 at 27 1-2;
People v. Motuapuaka, No. A161306, 2022 WL 897614, at *1 (Cal. Ct. App. Mar. 28, 1
enhancements. Motuapuaka, 2022 WL 987614 at *1. “The plea form indicated that the 2
maximum possible sentence for these offenses was 66 years but that the parties stipulated 3
defendant would receive a term of 60 years.” Id.

4 In 2020, Motuapuaka filed a resentencing petition in the state superior court, after
5 being informed by the CDCR of a possible error in his sentence. People v. Motuapuaka, 6 No.
A167340, 2024 WL 3157703, at *1 (Cal. Ct. App. Jun. 25, 2024). The superior court 7 imposed a
52-year sentence. Id. at *2. The state appellate court reversed the superior 8 court’s decision and

remanded for resentencing because Motuapuaka was not present at the 9 hearing. Id. At the second resentencing hearing, the superior court imposed a 52-year 10 term, which was affirmed by the state appellate court. Id. at 4. The state supreme court 11 denied his petition for review. (Pet., Dkt. No. 1 at 3.)

12 DISCUSSION

13 This Court may entertain a petition for writ of habeas corpus “in behalf of a person 14 in custody pursuant to the judgment of a State court only on the ground that he is in 15 custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. 16 § 2254(a). A district court considering an application for a writ of habeas corpus shall 17 “award the writ or issue an order directing the respondent to show cause why the writ 18 should not be granted, unless it appears from the application that the applicant or person 19 detained is not entitled thereto.” 28 U.S.C. § 2243. Summary dismissal is appropriate 20 only where the allegations in the petition are vague or conclusory, palpably incredible, or 21 patently frivolous or false. See *Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th Cir. 1990). 22 As grounds for federal habeas relief, Motuapuaka claims that (1) the prosecutor 23 violated his right to due process by breaching the terms of the plea agreement; and (2) trial 24 and appellate counsel rendered ineffective assistance. (Pet., Dkt. No. 1 at 5.) When 25 liberally construed, these claims are cognizable on federal habeas review.

26 CONCLUSION

27 1. The Clerk shall serve electronically a copy of this Order upon the respondent and 1 email addresses: SFAWTParalegals@doj.ca.gov and SFAGDocketing@doj.ca.gov. The 2 petition (Dkt. No. 1) and the exhibits thereto are available via the Electronic Case Filing 3 System for the Northern District of California. The Clerk shall serve by mail a copy of this 4 Order on petitioner. 5 2. On or before June 1, 2026, respondent shall file with the Court and serve on 6 petitioner, an answer conforming in all respects to Rule 5 of the Rules Governing Section 7 2254 Cases, showing cause why a writ of habeas corpus should not be granted based on 8 petitioner’s cognizable claims. Respondent shall file with the answer and serve on 9 petitioner a copy of all portions of the state trial record that previously have been 10 transcribed and that are relevant to a determination of the issues presented by the petition. 11 3. If petitioner wishes to respond to the answer, he shall do so by filing a traverse 12 with the Court and serving it on respondent’s counsel within thirty (30) days of the date the 13 answer is filed. 14 4. In lieu of an answer, respondent may file, on or before June 1, 2026, a motion to 15 dismiss on procedural grounds, as set forth in the Advisory Committee Notes to Rule 4 of 16 the Rules Governing Section 2254 Cases. If respondent files such a motion, petitioner 17 shall file with the Court and serve on respondent an opposition or statement of non- 18 opposition within thirty (30) days of the date the motion is filed, and respondent shall file 19 with the Court and serve on petitioner a reply within fifteen (15) days of the date any 20 opposition is filed. 21 5. Petitioner is reminded that all communications with the Court must be served on 22 respondent by mailing a true copy of the document to

respondent's counsel. 23 6. It is petitioner's responsibility to prosecute this case. Petitioner must keep the 24 Court and respondent informed of any change of address and must comply with the 25 Court's orders in a timely fashion. Failure to do so may result in the dismissal of this 26 action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). 27 7. Upon a showing of good cause, requests for a reasonable extension of time will 1 8. Motuapuaka's motion to proceed in forma pauperis is GRANTED. (Dkt. No. 3.) 2 9. The Clerk shall terminate all pending motions. 3 IT IS SO ORDERED. 4 || Dated: January 27, 2026 .

> AM H. ORRI

6 United States District Judge 7 8 9 10 11 ae 12 13 15 16 Z 18 19 20 21 22 23 24 25 26 27 28