

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Richard Lacy Letner v. James Hill

Letner v. Hill · No. 1:18-cv-01459-JLT · Decided June 12, 2025

SUMMARY

The United States District Court for the Eastern District of California directs the parties to meet and confer and file status report(s) concerning post-exhaustion proceedings in this stayed 28 U.S.C. § 2254 case. The Court requests discussion of the statute of limitations and exhaustion status, the lifting of the exhaustion stay, and proposed scheduling, while noting a related California Penal Code § 1172.6 matter remains pending in the California Supreme Court.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 RICHARD LACY LETNER, Case No. 1:18-cv-01459-JLT 12 Petitioner,
DEATH PENALTY CASE 13 v. ORDER DIRECTING THE FILING OF POST-EXHAUSTION
STATUS 14 JAMES HILL, Warden of the R. J. Donovan CONFERENCE STATEMENT(S)
Correctional Facility, 15 Respondent.1 16 17 On June 2, 2025, petitioner filed a notice that: 18
[A]s of May 14, 2025, when the state’s highest court denied his petition for review in case no.
S290042, [petitioner] has completed his exhaustion process.

A case on [petitioner’s] behalf is 19 currently pending before the state’s highest court (S290632)
regarding the application of the state’s narrowing of its definition of murder in California to
[petitioner] as provided by Penal 20 Code Section 1172.6. See *Duke v. Gastelo*, 64 F.4th 1088 (9th
Cir., 2023). 21 (Doc. 72 at 1-2.) 22 The record in the case reflects that on July 10, 2020, the Court
stayed this 28 U.S.C. § 2254 23 proceeding for state court exhaustion of claims in the federal
petition filed on December 19, 2019.2 24 (See Doc.

58); see also *Lawrence v. Florida*, 549 U.S. 327, 329-36 (2007) (state post-conviction 25
application remains pending [for purposes of 28 U.S.C. § 2244(d)(2)] until final resolution
through 26 1 A CDCR California Incarcerated Records and Information Search (“CIRIS”) shows
that Petitioner is incarcerated at the 27 R.J. Donovan Correctional Facility, San Diego, CA, in the
care and custody of Warden James Hill.

See Ciris.mt.cdcr.ca.gov (last visited June 6, 2025). Pursuant to Federal Rule of Civil Procedure
25(d), the Court substitutes Warden Hill as Respondent in place of his predecessor wardens. 1 | the
state’s postconviction procedures); *Carothers v. Rhay*, 594 F.2d 225, 228 (9th Cir. 1979) (state 2 |

remedies are exhausted upon fair presentation to the state courts, and merits disposition of the 3 | claims by the highest state court).

4 Therefore, the parties are directed to meet and confer and file a joint (preferred) or individual 5 | status report(s) within 30 days regarding post-exhaustion proceedings. The Court anticipates the 6 | parties will discuss in the report(s): (1) their respective positions regarding petitioner's compliance 7 | with the statute of limitations and the exhaustion status of the federal petition, including as to the 8 | noted California Penal Code Section 1172.6 case that remains pending in the state supreme □□□□□ 9 | (2) their respective positions regarding lifting of the exhaustion stay, and (3) their desired post- 10 | exhaustion case scheduling.

11 Db IS SO ORDERED. 13] Dated: __June 12, 2025 Cerin | Tower TED STATES DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28