

**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

OPINION

(DP) Letner v. Davis

PER CURIAM.

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:
__Jume 12, 2025 Cerin | Tower
TED STATES DISTRICT JUDGE
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28