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7	UNITED STATES DISTRICT COURT
8	CENTRAL DISTRICT OF CALIFORNIA
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10	FREDERICK JEROME MORMAN,)Case No. CV 16-1437-BRO (JPR)
11	Petitioner,)) ORDER ACCEPTING FINDINGS AND
12	v.) RECOMMENDATIONS OF U.S.) MAGISTRATE JUDGE
13	DIRECTOR OF CORRECTIONS AND) REHABILITATION,)
14	Respondent.)
15	Pursuant to 28 U.S.C. § 636, the Court has reviewed the
16	Petition, records on file, and Report and Recommendation of U.S.
17	Magistrate Judge. On February 16, 2017, Petitioner filed
18	objections to the R. & R., in which he mostly argues that the
19	Magistrate Judge and this Court are biased against him. $^{ m 1}$
20	Although Petitioner does not directly address the Magistrate
21	Judge's conclusion that the Petition is time barred, he does
22	attach to the objections numerous records concerning his mental
23	health. But as noted in the R. & R., during the relevant period
24	Petitioner had the assistance of an inmate helper (R. & R. at 20-
25	21), who continues to litigate the Petition for him (including by
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27	¹ On February 28, 2017, the Court construed the objections

to include a motion to disqualify both judges, and it was referred to the Honorable S. James Otero, U.S. District Judge, for decision. That same day, he denied the objections "to the extent premised on allegations . . . of bias." Thus, the Court does not address that aspect of the objections.

1 preparing and filing the objections (see Objs. at 1)). In any 2 event, the newly submitted medical records show that Petitioner 3 has at all relevant times had only mild mental-health issues: his 4 GAF score has almost always been in the 60s² (see, e.g., Objs. at 38 (GAF score of 65 in Sept. 2014), 65 (same in Dec. 2014), 92 5 6 (62 in Sept. 2015), 84 (62 in Apr. 2016)); his thought processes 7 have remained "logical" and "linear" and "relevant to the topic 8 of discussion" (<u>see, e.g.</u>, <u>id.</u> at 30, 38, 63, 66, 131, 155); and 9 he has always been able to communicate effectively (see, e.g., 10 id. at 65, 69, 156). The medical records only confirm the 11 Magistrate Judge's conclusion that he is not entitled to 12 equitable tolling based on any mental-health issues. (See R. & 13 R. at 19-21.)

14 Finally, Petitioner objects to what he contends are two 15 factual mistakes made by the Magistrate Judge. First, he seems 16 to insist that he filed his "Verified Accusation" "in March 2015 17 [NOT] December 2, 2015 as the Magistrate Judge set out." (Objs. 18 at 2.) But the proof of service for that document is signed and 19 dated December 2, 2015, and the document itself refers to events 20 that happened after March 2015. (See Lodged Doc. 8 at 2, 6-8.)³ 21 He also asserts that he "did not admit to not filing his own 22 Notice of Appeal" (Objs. at 20), as the Magistrate Judge stated

24 ² GAF scores of between 61 and 70 indicate "some mild symptoms (e.g., depressed mood and some insomnia) OR some difficulty in social, occupational, or school functioning . . . but generally functioning pretty well, has some meaningful interpersonal relationships." <u>Diagnostic and Statistical Manual</u> of Mental Disorders 34 (revised 4th ed. 2000).

³ For this document the Court uses the pagination provided by its Case Management/Electronic Case Filing system.

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1	(<u>see</u> R. & R. at 3). But Petitioner's claims in the Petition rest
2	on his attorney's not filing a notice of appeal for him, which
3	would not have prejudiced him had he filed his own.
4	Because the Petition is time barred for the reasons stated
5	in the R. & R., IT IS ORDERED that it is denied, Respondent's
6	motion to dismiss is granted, and Judgment be entered dismissing
7	this action with prejudice.
8	REACH
9	DATED: March 9, 2017
10	U.S. DISTRICT JUDGE
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