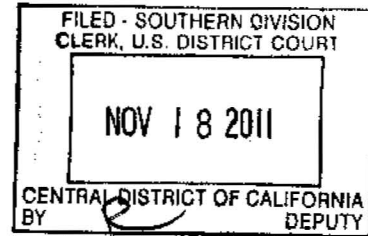


1
2 I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
FIRST CLASS MAIL POSTAGE PREPAID, 10-~~AT~~ *Petitioner*
3 (OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF
RECORD IN THIS ACTION ON THIS DATE.

4 DATED: 11-18-11
5 _____
DEPUTY CLERK



6
7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA

9
10 ROBERT L. MORRIS,) Case No. EDCV 11-1063-PA (JPR)
11)
Petitioner,)
12 vs.) ORDER ACCEPTING FINDINGS AND
13) RECOMMENDATIONS OF U.S.
JAMES D. HARTLEY, Warden,)
14) MAGISTRATE JUDGE
Respondent.)

15
16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the
17 Petition, all the records and files of this case, and the Report
18 and Recommendation of the U.S. Magistrate Judge. The Petitioner
19 filed "Objections with Points and Authorities" to the Report and
20 Recommendation, and the Court has made a de novo determination of
21 those portions of the Report and Recommendation to which
22 objections have been made.

23 The majority of Petitioner's objections do not address the
24 Magistrate Judge's recommendation that the Petition be dismissed
25 on the ground that it is time barred. Instead, the objections
26 address the merits of Petitioner's claim disputing the propriety
27 of the prison disciplinary hearing during which he was assessed a
28 90-day penalty; thus, they are largely irrelevant. Petitioner's

1 only argument concerning equitable tolling is that he may have
2 failed to follow proper procedure "due to his ignorance of the
3 law" and lack of legal representation. (See Objections at 4.)
4 Ignorance of the law and lack of legal representation do not
5 provide a basis for tolling the statute of limitations under the
6 Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA").
7 See, e.g., Rasberry v. Garcia, 448 F.3d 1150, 1154 (9th Cir.
8 2006) (holding that "a pro se petitioner's lack of legal
9 sophistication is not, by itself, an extraordinary circumstance
10 warranting equitable tolling" of the AEDPA limitations period);
11 Ekenberg v. Lewis, No. C 98-1450 FMS (PR), 1999 WL 13720, at *2
12 (N.D. Cal. Jan. 12, 1999) ("Ignorance of the law and lack of
13 legal assistance do not constitute such extraordinary
14 circumstances.").

15 The Court therefore concurs with and accepts the Magistrate
16 Judge's recommendations that Respondent's Motion to Dismiss be
17 granted and Judgment be entered denying the Petition and
18 dismissing this action with prejudice.

19 IT IS SO ORDERED.

20
21 DATED: November 17, 2011



PERCY ANDERSON
UNITED STATES DISTRICT JUDGE