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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERNARD BARNES,

Petitioner,

No. 2:09-cv-0736-LKK-JFM (HC)

vs.

KATHLEEN DICKINSON,

Respondent.

FINDINGS & RECOMMENDATIONS

_____/

Petitioner is a state prisoner proceeding pro se and in forma pauperis with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This action was dismissed without prejudice on April 7, 2010 due to petitioner’s failure to exhaust state court remedies. Judgment was entered on the same day. On May 6, 2010, petitioner filed a motion for relief from judgment. See Fed. R. Civ. P. 60(b); Rule 12, 28 U.S.C. foll. § 2254. Petitioner has not shown grounds for relief from the judgment entered in this action. In particular, petitioner has not demonstrated that he has exhausted state court remedies with respect to the claims raised in his habeas corpus petition.

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1 Accordingly, IT IS HEREBY RECOMMENDED that petitioner’s May 6, 2010
2 motion for relief from judgment be denied.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
5 days after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
8 objections shall be filed and served within fourteen days after service of the objections. The
9 parties are advised that failure to file objections within the specified time may waive the right to
10 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: June 8, 2010.

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14 UNITED STATES MAGISTRATE JUDGE

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