

1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
3 after being served with these findings and recommendations, any party may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
6 shall be served and filed within fourteen days after service of the objections. Failure to file
7 objections within the specified time may waive the right to appeal the District Court’s order.
8 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
9 1991). In his objections petitioner may address whether a certificate of appealability should issue
10 in the event he files an appeal of the judgment in this case. *See* Rule 11, Rules Governing Section
11 2254 Cases (the district court must issue or deny a certificate of appealability when it enters a
12 final order adverse to the applicant).

13 DATED: January 12, 2016.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE
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28 it is recommended that this action be dismissed. If petitioner wishes to pursue the claims he
raises here in a civil rights case, he may file a new case as such.