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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBIN GILLEN STARR,
Petitioner,
v.
CANO,
Respondent.

No. 2:16-cv-0510 KJM KJN P

ORDER

Petitioner is a state prisoner proceeding without counsel. On April 1, 2016, petitioner filed a document styled, “Notice of Motion for Summary Judgment in Favor of Petitioner,” claiming that because respondent has not answered, default should be entered. (ECF No. 9.) However, the court has not yet directed respondent to file an answer. Indeed, on March 17, 2016, the undersigned recommended that this action be “dismissed without prejudice to its re-filing upon obtaining authorization from the United States Court of Appeals for the Ninth Circuit.” (ECF No. 5 at 2.) Accordingly, petitioner’s motion is premature and is denied without prejudice.

Since the findings and recommendations were issued, petitioner was transferred, and the Clerk of the Court re-served the findings and recommendations on petitioner’s current address on April 1, 2016. Thus, petitioner’s objections are due on or before April 15, 2016.

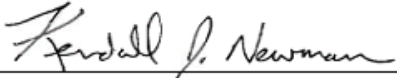
Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s April 1, 2016 motion (ECF No. 9) is denied without prejudice; and

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2. Petitioner shall file objections, if any, to the March 17, 2016 findings and recommendations on or before April 15, 2016.

Dated: April 6, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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