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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 JOSE CASAS,

11)
12) Petitioner,
13) v.

14 E. VALENZUELA, Warden,

15)
16) Respondent.

Case No. CV 13-1233-MWF (OP)

ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, records on
18 file, and the Report and Recommendation of the United States Magistrate Judge.
19 Petitioner has not filed any written Objections to the Report and Recommendation.
20 The Court accepts the recommendations of the Magistrate Judge.

21 The Court also accepts the findings of the Magistrate Judge, with one exception
22 that does not change the result. The Report and Recommendation states that the
23 limitations period began to run on April 3, 2011, the day after the disputed
24 administrative decision became final. (Report and Recommendation at 5-6). In
25 *Shelby v. Bartlett*, 391 F.3d 1061, 1063 (9th Cir. 2004), the Ninth Circuit ruled that
26 the limitations period begins to run when a petitioner learns of the administrative
27 decision that is the basis for the petition for writ of habeas corpus. In this case,
28 Petitioner learned of the administrative decision on April 22, 2011. (Report and

1 Recommendation at 3). Therefore, the limitations period began to run on April 23,
2 2011. Even using this later date, the Petition is still untimely.

3 Accordingly, IT IS HEREBY ORDERED that Judgment be entered: (1)
4 accepting this Report and Recommendation; (2) granting Respondent's Motion to
5 Dismiss the Petition as untimely; and (3) directing that Judgment be entered denying
6 the Petition and dismissing this action with prejudice.

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9 DATED: October 2, 2013

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MICHAEL W. FITZGERALD
United States District Judge