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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BERNIE GOMES,) Case No. CV 14-1277-JLS (JPR)
)
Petitioner,)
) ORDER ACCEPTING FINDINGS AND
vs.) RECOMMENDATIONS OF U.S.
) MAGISTRATE JUDGE
JOE A. LIZARRAGA, Warden,)
)
Respondent.)

Pursuant to 28 U.S.C. § 636, the Court has reviewed the
Petition, the records and files of this case, and the Report and
Recommendation ("R&R") of the U.S. Magistrate Judge. The R&R
recommended that the Petition be dismissed because it was
untimely by more than four months. On September 22, 2014,
Petitioner filed objections to the R&R, in which he mostly
repeats arguments in the Petition and Reply or cites cases for
general principles of law without applying that law to the facts
of his case. The Court has considered and rejected those
objections.¹

¹In his "Objection # 2," Petitioner claims, without
explanation, that his California Supreme Court habeas petition
(continued...)

1 Accordingly, having made a de novo determination of those
2 portions of the Report and Recommendation to which objections
3 have been filed, the Court concurs with and accepts the
4 Magistrate Judge's recommendation that the Petition be denied as
5 untimely. IT THEREFORE IS ORDERED that Respondent's motion to
6 dismiss is GRANTED and Judgment be entered denying the Petition
7 and dismissing this action with prejudice.



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9 DATED: December 3, 2014

10 JOSEPHINE L. STATON
11 U.S. DISTRICT JUDGE
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23 ¹(...continued)
24 was in fact properly filed "because the court treated it as a
25 motion for post conviction relief." (Objections at 2.) But as
26 the R&R noted, his supreme court habeas petition was rejected as
27 untimely (R&R at 3-4, 10), and the court's notice to that effect
28 nowhere mentions any motion for post-conviction relief; indeed,
the letter is captioned, "Re: C074624 - In re Bernie Gomes on
Habeas Corpus" (see Lodged Ex. 5). The Court's review of the
California Appellate Courts' Case Information website confirms
that Petitioner never properly filed anything in the state
supreme court.