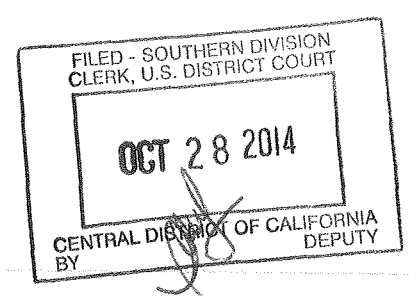


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I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY FIRST CLASS MAIL POSTAGE PREPAID, TO ALL ~~COUNSEL~~ *Petitioner* (OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF RECORD IN THIS ACTION ON THIS DATE.

DATED 10-28-2014
[Signature]
DEPUTY CLERK



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JUAN JOSE CAMPOS,
Petitioner,
v.
W. L. MONTGOMERY, Warden,
Respondent.

Case No. CV 14-04713 DSF (AN)
ORDER ACCEPTING THE FINDINGS
AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the file, including the Magistrate Judge’s Report and Recommendation (“R&R”) and Petitioner’s Objections [22]. Further, the Court has completed a *de novo* review of those portions of the R&R to which Petitioner has objected.

IT IS ORDERED that:

- 1. The Objections are overruled for the reasons set forth in the R&R, and for the additional reasons set forth below:
 - a. The Court rejects Petitioner’s unsupported assertion that the relevant statute of limitations does not apply to claims of ineffective assistance of counsel. *See* 28 U.S.C. § 2244(d)(1) (“A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment

1 of a State court.”).

2 b. Petitioner’s arguments relevant to exhaustion, his request for a stay
3 and abeyance, and his construction of Federal Rule of Civil Procedure 60(b) are moot
4 because this action is time-barred for the reasons set forth in the R&R.

5 2. The Court accepts the findings and recommendation of the R&R.

6 3. Respondent’s Motion to Dismiss the Petition is GRANTED.

7 4. Petitioner’s Motion for Stay and Abeyance for Good Cause and Request
8 for Lodgments [16] and Request for Consideration of Writ Petition in Light of Fed.
9 Rule 60(b)(1) for Good Cause [17] are DENIED for the reasons reported in the R&R.

10 5. Judgment shall be entered dismissing this action with prejudice because
11 it is time-barred.

12 6. All other pending motions are denied as moot and terminated.

13 IT IS FURTHER ORDERED that the clerk of the Court shall serve a copy of this
14 Order and the Judgment on all counsel or parties of record.

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17 Dated: October 24, 2014

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DALE S. FISCHER
UNITED STATES DISTRICT JUDGE