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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DOUGLAS STEVEN BUE,
Petitioner,
v.
ROBERT W. FOX,
Respondent.

Case No. CV 17-0199- ODW (JCG)
**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed: (1) the Petition; (2) the Magistrate Judge’s Report and Recommendation (“R&R”); (3) Petitioner’s “Application for Equitable Tolling and Request for Lodging of Medical Records,” [Dkt. No. 5], which the Court construes as objections to the R&R (“Objections”)¹; and (4) the remaining record, and has made a *de novo* determination.

¹ Petitioner’s request for lodging of medical records, (Objections at 3), is **DENIED**, as his allegations fail to show that he is entitled to nearly two decades of equitable tolling under *Bills v. Clark*, 628 F.3d 1092, 1099-1100 (9th Cir. 2010). (See R&R at 4-5; see generally Objections); cf. *Dunsmore v. Paramo*, 2014 WL 321068, at *1 n.1 (S.D. Cal. Jan. 29, 2014) (“A judge may, for good cause, authorize a party to conduct discovery’ A habeas petitioner demonstrates ‘good cause’ . . . when he or she states specific allegations that, if the facts are fully developed, would establish that he is entitled to relief.” (internal citations omitted)).

1 Petitioner’s Objections generally reiterate arguments made in the Petition, and
2 lack merit for the reasons set forth in the Report and Recommendation. There is one
3 issue, however, that warrants brief discussion here.

4 Petitioner claims that he is entitled to equitable tolling because his “mental
5 illness is beyond his control and rendered him unable to pursue his legal rights during
6 the relevant time period.” (Objections at 1.) He further states that because of his
7 depression and anxiety attacks, he “could not stay on task and did not have an
8 inclination to be able to appreciate his legal rights and act[] upon them.” (Objections
9 at 3.) However, such general and conclusory descriptions of mental illness are
10 insufficient to toll the limitations period for nearly two decades. (*See* R&R at 3, 4-5);
11 *see also Taylor v. Knowles*, 2009 WL 688615, at *5 (E.D. Cal. Mar. 13, 2009) (“There
12 is no question that petitioner suffers from serious symptoms, such as . . . severe
13 depression and anxiety. . . . But there is no explanation of how [petitioner’s]
14 symptoms relate to the delay in this action.”); *Stanfield v. Allison*, 2011 WL 1253893,
15 at *3 (E.D.Cal. Mar.31, 2011) (finding that “vague and conclusory” allegations
16 regarding the petitioner’s asserted mental limitations were insufficient to warrant
17 equitable tolling). As such, the Petition remains untimely.

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1 Accordingly, IT IS ORDERED THAT:

2 1. The Report and Recommendation is approved and accepted;

3 2. Judgment be entered denying the Petition and dismissing this action with
4 prejudice; and

5 3. The Clerk serve copies of this Order on the parties.

6 Additionally, for the reasons stated in the Report and Recommendation, the
7 Court finds that Petitioner has not made a substantial showing of the denial of a
8 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
9 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of
10 appealability.

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12 DATED: February 2, 2017

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14 HON. OTIS D. WRIGHT II
15 UNITED STATES DISTRICT JUDGE
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