UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GILBERTO CASTRO ORDINOLA,

Petitioner,

v.

J. DOERER,

Respondent.

Case No. 5:22-cv-01518-SVW-JEM

ORDER ACCEPTING IN PART FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the pleadings, the records on file, and the Report and Recommendation of the United States Magistrate Judge. No Objections to the Report and Recommendation have been filed within the time allowed.

The Court adopts the Magistrate Judge's recommendation in full with respect to dismissal of Claims 1 and 3. With respect to Claim 2, the Court adopts the Magistrate Judge's reasoning only with regard to the determination that the Court lacks jurisdiction to hear Claim 2 and that the sentencing court is the more appropriate forum for Claim 2.

The Court does not opine on the issue of the timeliness of Claim 2, since the Court does not have jurisdiction to entertain Claim 2.

IT IS ORDERED that: (1) the Petition is denied; (2) Judgment shall be entered dismissing Claims 1 and 3 with prejudice; 3) Claim 2 is dismissed without prejudice to be refiled in the sentencing court.

Dated: May 5, 2023

STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE