1		
2		
3		
4		
5		
6	UNITED STATES	S DISTRICT COURT
7	CITED STATES DISTRICT COURT	
8	EASTERN DISTRICT OF CALIFORNIA	
9	RICHARD ANTHONY HURTADO,	1:08-cv-01429-AWI-DLB (HC)
0	Petitioner,	ORDER ADOPTING FINDINGS AND
1		RECOMMENDATION DENYING
1	V.	PETITIONER'S REQUEST FOR ADDITIONAL ACCESS TO LAW LIBRARY
2		AND GRANTING PETITIONER SIXTY DAYS
2	TOM FELKER, Warden	TO FILE OBJECTIONS TO THE PENDING
3	Respondent.	FINDINGS AND RECOMMENDATION
4	/	[Docs. 25, 26]
5 6	Petitioner is a state prisoner proceeding	g pro se with a petition for writ of habeas corpus

pursuant to 28 U.S.C. § 2254.

17

18

19

20

21

22

23

24

25

26

27

28

On March 10, 2009, the Magistrate Judge issued Findings and Recommendation that Respondent's Motion to Dismiss the petition as time-barred be GRANTED. (Court Doc. 18.) The Court has granted Petitioner three extensions of time to file objections-the last of which included a request for additional access to the law library. (See Court Doc. 23.) On June 22, 2009, the Magistrate Judge issued Findings and Recommendation that Petitioner's request for additional access to the law library be denied. (Court Doc. 25.) This Findings and Recommendation was served on all parties and contained notice that any objections were to be filed within thirty (30) days of the date of service of the order.

On July 13, 2009, Petitioner filed timely objections to the Findings and Recommendation, issued June 22, 2009. (Court Doc. 26.) In his objections, Petitioner continues to request that the Court grant him additional time to attend the law library. Petitioner also requests a sixty (60) day

1

1 extension of time to file objections to the pending Findings and Recommendation. (<u>Id</u>.)

2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted 3 a *de novo* review of the case. Having carefully reviewed the entire file, including Petitioner's objections, the Court concludes that the Magistrate Judge's Findings and Recommendation issued 4 5 June 22, 2009 is supported by the record and proper analysis. Petitioner's objections present no 6 grounds for questioning the Magistrate Judge's analysis. While the Ccourt can provide Petitioner 7 with additional time to file objections, the Court cannot force the prison to grant Petitioner a specific number of hours in the law library. See Price v. City of Stockton, 390 F.3d 1105, 1117 8 9 (9th Cir. 2004) (per curiam) ("A federal court may issue an injunction if it has personal 10 jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to 11 determine the rights of persons not before the court.") 12 Accordingly, IT IS HEREBY ORDERED that: 13 1. The Findings and Recommendation issued June 22, 2009, is ADOPTED IN 14 FULL; 2. Petitioner's request for access to the law library is DENIED; and, 15 3. 16 Petitioner is granted sixty (60) days from the date of service of this order to file 17 objections to the Findings and Recommendation issued on March 10, 2009. 18 19 IT IS SO ORDERED. 20 Dated: September 11, 2009 /s/ Anthony W. Ishii CHIEF UNITED STATES DISTRICT JUDGE 21 22 23 24 25 26 27 28