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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

GEORGE HINSON,

Petitioner,

v.

JAMES D. HARTLEY,

Respondent.

1:09-cv-01293-AWI-SMS (HC)

SUPPLEMENTAL FINDINGS AND  
RECOMMENDATION REGARDING  
PETITION FOR WRIT OF HABEAS CORPUS

[Doc. 15]

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner filed the instant petition for writ of habeas corpus on July 24, 2009. Petitioner challenges Governor Schwarzenegger’s February 22, 2007, decision reversing the California Board of Parole Hearings’ 2006 finding that Petitioner was suitable for release.

On March 24, 2010, the undersigned issued Findings and Recommendation to deny the petition for writ of habeas corpus and enter judgment in favor of Respondent. Petitioner filed objections on April 6, 2010, and supplemental objections on April 15, 2010.

On February 8, 2011, the Honorable Anthony W. Ishii, referred the petition back to the undersigned to address the potential impact of the Supreme Court’s January 24, 2011 decision in Swarthout v. Cooke, \_\_ U.S. \_\_, 131 S.Ct. 859 (2011) on his claim that the Governor exceeded his authority resulting in a due process violation.



1 without merit.

2 RECOMMENDATION

3 Based on the foregoing, it is HEREBY RECOMMENDED that:

- 4 1. The instant petition for writ of habeas be DENIED; and  
5 2. The Clerk of Court be directed to enter judgment in favor of Respondent.

6 This Findings and Recommendation is submitted to the assigned United States District  
7 Court Judge, pursuant to the provisions of 28 U.S.C. section 636 (b)(1)(B) and Rule 304 of the  
8 Local Rules of Practice for the United States District Court, Eastern District of California.

9 Within thirty (30) days after being served with a copy, any party may file written objections with  
10 the court and serve a copy on all parties. Such a document should be captioned "Objections to  
11 Magistrate Judge's Findings and Recommendation." Replies to the objections shall be served  
12 and filed within fourteen (14) days after service of the objections. The Court will then review the  
13 Magistrate Judge's ruling pursuant to 28 U.S.C. § 636 (b)(1)(C). The parties are advised that  
14 failure to file objections within the specified time may waive the right to appeal the District  
15 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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18 IT IS SO ORDERED.

19 **Dated:** March 10, 2011

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE