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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MUHAREM KURBEGOVICH,

 Petitioner,

 v.

UNKNOWN POLITICIANS,

 Respondents.

Case No. 1:14-cv-01202-LJO-SKO-HC

ORDER RE: FINDINGS AND
RECOMMENDATIONS (DOC. 9)

ORDER DISMISSING THE PETITION FOR
WRIT OF HABEAS CORPUS WITHOUT LEAVE
TO AMEND (DOC. 1), DECLINING TO
ISSUE A CERTIFICATE OF
APPEALABILITY, AND DIRECTING
THE CLERK TO CLOSE THE CASE

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) (1) and Local Rules 302 and 304.

On December 10, 2014, the Magistrate Judge filed findings and recommendations to dismiss the petition for writ of habeas corpus, decline to construe the habeas petition as a civil rights complaint, decline to issue a certificate of appealability, and direct the Clerk to close the case. The findings and recommendations were served on all parties on the same date. The findings and recommendations advised the parties that objections could be filed

1 within thirty days and replies within fourteen days after the filing
2 of objections. On December 22, 2014, Petitioner filed objections.
3 Because Petitioner is the only party who has appeared in the action,
4 no reply to the objections will be filed.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C),
6 this Court has conducted a de novo review of the case. The
7 undersigned has carefully reviewed the entire file and has
8 considered the objections.

9 In the objections, Petitioner asserts that his conditions
10 claims concerning mail delivery will affect the duration of his
11 confinement. Petitioner argues in essence that it was statistically
12 likely that he would have received responses from academicians he
13 had written regarding his ability to contribute to society; because
14 he received no responses, it is less likely that he will be released
15 on parole because it reduces any showing of his potential value to
16 society on release. Petitioner thus argues that his claims
17 concerning mail delivery affect the duration of his confinement.
18 The Court concludes that any effect of this sort on the duration of
19 Petitioner's confinement is entirely speculative; thus, his claims
20 may be distinguished from those that would entitle a petitioner to
21 habeas relief. Cf. Bostic v. Carlson, 884 F.3d 1267 (9th Cir.
22 1989); Docken v. Chase, 393 F.3d 1024 (9th Cir. 2004). Thus, the
23 undersigned has determined there is no need to modify the findings
24 and recommendations based on the points raised in the objections.
25 The Court finds that the report and recommendations are supported by
26 the record and proper analysis.

27 Accordingly, it is ORDERED that:

28 1) The petition for writ of habeas corpus is DISMISSED without

1 leave to amend for failure to state facts entitling the Petitioner
2 to relief in a proceeding pursuant to 28 U.S.C. § 2254; and

3 2) The Court DECLINES to construe the habeas petition as a
4 civil rights complaint; and

5 3) The Court DECLINES to issue a certificate of appealability;
6 and 4) The Clerk is DIRECTED to close the action because the
7 dismissal terminates it in its entirety.

8 IT IS SO ORDERED.

9 Dated: December 23, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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