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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY EUGENE BISEL,  
Petitioner,  
v.  
RAY FISHER, JR., *Warden; et al.*,  
Respondents.

No. 1:17-cv-00013-DAD-SKO (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
PETITIONER’S MOTION TO DISQUALIFY  
RESPONDENTS FOR VIOLATING A  
COURT ORDER

(Doc. No. 44)

Petitioner Gregory Eugene Bisel 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 a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 2, 2019, petitioner moved to disqualify respondents for violating a court order by failing to return a completed form indicating either consent to or declining to consent to magistrate judge jurisdiction within the time allotted by court order. (Doc. No. 41; *see* Doc. Nos. 34, 36.) On December 23, 2019, the assigned magistrate judge issued findings and recommendations, recommending denial of petitioner’s motion but also cautioning respondents that failure to comply with court deadlines may result in the imposition of sanctions. (Doc. No.

1 44.) The findings and recommendations were served on both parties and contained notice that  
2 any objections thereto were to be filed within thirty (30) days from the date of service of the  
3 order. (*Id.* at 2–3.) No objections have been filed and the time in which to do so has now passed.


4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the court has conducted a  
5 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
6 findings and recommendations are supported by the record and proper analysis.

7 Accordingly, the court orders as follows:

- 8 1. The findings and recommendations issued on December 23, 2019 (Doc. No. 44),  
9 are adopted in full;
- 10 2. Petitioner’s motion to disqualify respondents (Doc. No. 41) is denied; and
- 11 3. The matter is referred back to the magistrate judge for further proceedings.

12 IT IS SO ORDERED.

13 Dated: March 18, 2020

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16 UNITED STATES DISTRICT JUDGE  
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