

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES R. MOONEY,

Petitioner,

V.

D. BAUGHMAN, Warden,

Respondent.

Case No. 1:17-cv-00512-JLT (HC)

ORDER DIRECTING CLERK OF COURT
TO ASSIGN DISTRICT JUDGE

FINDINGS AND RECOMMENDATION

[TEN-DAY OBJECTION DEADLINE]

Petitioner filed a federal habeas petition in the Sacramento Division of this Court on July

18 27, 2016. On April 11, 2017, the Court determined venue was proper in the Fresno Division and
19 transferred the case. The Court's preliminary screening of the petition revealed that the petition
20 failed to present any cognizable grounds for relief. Therefore, on May 9, 2017, the Court issued
21 an order dismissing the petition. Petitioner was granted thirty days to file an amended petition
22 and state a cognizable federal claim. Over thirty days have passed and Petitioner has failed to
23 file an amended petition. Petitioner was forewarned that failure to file an amended petition in
24 compliance with the screening order would result in dismissal of the action. Accordingly, the
25 Court will recommend the petition be DISMISSED.

ORDER

Accordingly, the Clerk of Court is DIRECTED to assign a District Judge to the case.

RECOMMENDATION

Accordingly, the Court **RECOMMENDS** that this action be **DISMISSED** for failure to state a claim.

3 This Findings and Recommendation is submitted to the assigned District Court Judge,
4 pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local Rules of
5 Practice for the United States District Court, Eastern District of California. Within ten days after
6 service of the Findings and Recommendation, Petitioner may file written objections with the
7 Court. Such a document should be captioned “Objections to Magistrate Judge’s Findings and
8 Recommendation.” The Court will then review the Magistrate Judge’s ruling pursuant to 28
9 U.S.C. § 636(b)(1)(C). Petitioner is advised that failure to file objections within the specified
10 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
11 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: June 19, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE