

1
2
3 **UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
5

6 **ORLANDO VIBANCO,**

7 **Petitioner,**

8 **v.**

9 **SHAWN HATTON,**

10 **Respondent.**

CASE NO. 1:17-cv-00926-AWI-HBK (HC)

**ORDER REINSTATING DECEMBER 4,
2020 ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS,
DISMISSING PETITION FOR WRIT OF
HABEAS CORPUS, AND DIRECTING
CLERK OF COURT TO CLOSE CASE**

(Doc. No. 35)

11
12
13
14 Petitioner Orlando Vibanco is a state prisoner proceeding in propria persona with a petition
15 for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. No. 15. On August 28, 2020, the
16 magistrate judge assigned to the case issued findings and recommendations to deny the petition.
17 Doc. No. 28. These findings and recommendations were served upon all parties and contained
18 notice that any objections were to be filed within thirty days from the date of service of that order.
19 Petitioner was granted two extensions of time to file his objections, resulting in a filing deadline of
20 November 30, 2020. Doc. Nos. 31, 33. On December 3, 2020, the Court adopted the findings and
21 recommendations in full. Doc. No. 35. On December 4, 2020, the order adopting the findings and
22 recommendations and the judgment closing the case were docketed. Doc. Nos. 35, 36. On the
23 same day, December 4, 2020, Petitioner's motion for an additional extension of time to file
24 objections to the findings and recommendations was also docketed. Doc. No. 37. Because
25 Petitioner's motion for an extension of time was docketed on the same day as this Court's order
26 adopting the findings and recommendations, the Court vacated the findings and recommendations,
27 reopened the case, and granted petitioner until February 1, 2021, to object to the findings and
28 recommendations. Doc. No. 38.

