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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIS MARK HAYNES,
Petitioner,
v.
ANDRE MATEVOUSIAN,
Respondent.

No. 1:18-cv-00178-JLT (HC)

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

ORDER DIRECTING CLERK OF COURT TO CLOSE CASE AND TO PROVIDE PETITIONER WITH BLANK FORMS FOR BIVENS ACTION

On February 5, 2018, Petitioner filed a petition for writ of habeas corpus. (Doc. 1.) Upon review of the petition, the Court found that Petitioner failed to establish grounds for habeas corpus relief, and that the proper avenue for his complaints is a Bivens action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). On February 8, 2018, the Court issued Findings and Recommendations to DISMISS the petition without prejudice to filing a Bivens action. (Doc. 4.) This Findings and Recommendation was served upon all parties and contained notice that any objections were to be filed within twenty-one days from the date of service of that order. Over twenty-one days have passed and no party has filed objections.

After the Findings and Recommendations were issued, the parties consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1). On March 8, 2018, the District Court assigned the action to the undersigned for all further purposes and proceedings. (Doc. 9.)

1 Accordingly, the Court will DISMISS the petition for the reasons set forth in the Findings and
2 Recommendations. Thus, the Court **ORDERS**:

- 3 1) The Petition for Writ of Habeas Corpus is DISMISSED without prejudice to Petitioner
4 commencing a Bivens action;
- 5 2) The Clerk of Court is DIRECTED to provide Petitioner with blank forms for filing a
6 Bivens action;
- 7 3) The Clerk of Court is DIRECTED to enter judgment and close the case; and
- 8 4) In the event an appeal is filed, no certificate of appealability is required. Forde v. U.S.
9 Parole Commission, 114 F.3d 878 (9th Cir. 1997).

10 IT IS SO ORDERED.
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12 Dated: March 13, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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