

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENYON DERRAL BROWN,

 Petitioner,

 v.

NORTH KERN STATE PRISON,
DIRECTOR OF CDCR,

 Respondent.

Case No. 1:21-cv-01061-NONE-HBK

ORDER GRANTING PETITIONER’S
MOTION FOR REVIEW OF PETITION

(Doc. No. 20)

Pending before the Court is Petitioner’s pleading docketed by the clerk as a “motion for summary judgment” on October 27, 2021. (Doc. No. 20). Petitioner, who is *pro se*, has pending a petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 1). In his one-page pleading, Petitioner asks the Court “to make a ruling in the interests of justice” because he believes he has “proved cognizable claims.” (Doc. No. 20 at 1). The Supreme Court has instructed the federal courts to liberally construe the “inartful pleading[s]” of *pro se* litigants. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982). The Court liberally construes Petitioner’s pleading as a motion for the Court to undertake a review of the petition and respondent’s answer and issue a ruling in this case.

1 Courts exercise discretion in how to manage their own docket. *Ferdik v. Bonzelet*, 963
2 F.2d 1258, 1261 (9th Cir. 1992). And while this Court endeavors to handle all matters as
3 expeditiously as possible, this Court has “long labored under one of the heaviest caseloads in the
4 nation.” *See* Standing Order in Light of Ongoing Judicial Emergency in Eastern District of
5 California. Accordingly, Petitioner is advised that the Court will issue findings and
6 recommendations regarding his petition once it completes review of the record in this case
7 bearing in mind its current docket and other pending matters. Consequently, Petitioner’s motion
8 for review is granted to the extent that the Court will consider and review this matter as quickly as
9 its caseload permits.

10 Accordingly, it is ORDERED:

11 Petitioner’s construed motion for review of the petition (Doc. No. 20) is GRANTED to
12 the limited extent that the Court will review this case as expeditiously as possible considering its
13 current caseload.

14
15 Dated: January 8, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE