

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH A. SHERMAN,

Petitioner,

No. CIV S-02-0373 FCD DAD P

vs.

CALIFORNIA ATTORNEY  
GENERAL, et al.,

Respondents.

ORDER

\_\_\_\_\_ /  
Petitioner is a state prisoner proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 21, 2005, findings and recommendations were issued which recommended that petitioner’s application be denied. Petitioner’s copy of the findings and recommendations was returned as undeliverable and petitioner did not file objections to the findings and recommendations. On November 22, 2005, judgment was issued denying petitioner’s application for a writ of habeas corpus.

On November 17, 2005, petitioner filed a letter in which he informs the court that he was transferred to another jail between October 15, 2005, and November 2, 2005, and did not receive any mail. He requests that any returned mail be re-served at his current address. This letter did not come to the court’s attention until after service of the November 22, 2005 judgment.

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. The November 22, 2005 judgment is vacated;

3 2. The Clerk of Court shall serve the October 21, 2005 findings and  
4 recommendations on petitioner at his current address, listed on the November 17, 2005 letter; and

5 3. Within thirty days after being served with the October 21, 2005 findings and  
6 recommendations, petitioner may file written objections with the court and serve a copy on all  
7 parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and  
8 Recommendations." Any reply to the objections shall be served and filed within ten days after  
9 service of the objections. 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).

12 DATED: November 30, 2005

13  
14 /s/ Frank C. Damrell Jr.  
15 FRANK C. DAMRELL JR.  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26