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

10 JOHN W. RICHARDSON,

11 Petitioner,

No. 2:08-cv-2973 FCD JFM (PC)

12 vs.

13 SACRAMENTO SUPERIOR COURT,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding pro se and in forma pauperis with a
17 petition for writ of mandate pursuant to 28 U.S.C. § 2241. The matter was referred to a United
18 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On December 17, 2008, the magistrate judge filed findings and recommendations
20 herein which were served on petitioner and which contained notice to petitioner that any
21 objections to the findings and recommendations were to be filed within twenty days. Petitioner
22 has not filed objections to the findings and recommendations.¹

23 _____
24 ¹ On December 22, 2008, petitioner filed another petition for writ of mandate, which he
25 signed on December 18, 2008. Because the findings and recommendations were issued on
26 December 17, petitioner did not file the second petition in response to the findings and
recommendations, and the court will not construe the filing as objections thereto. The December
22 petition for writ of mandate suffers from the same defects addressed in the findings and
recommendations; thus, it will be placed in the court file and disregarded.

1 Although it appears from the file that petitioner's copy of the findings and
2 recommendations were returned, petitioner was properly served. It is the petitioner's
3 responsibility to keep the court apprised of his current address at all times. Pursuant to Local
4 Rule 83-182(f), service of documents at the record address of the party is fully effective.

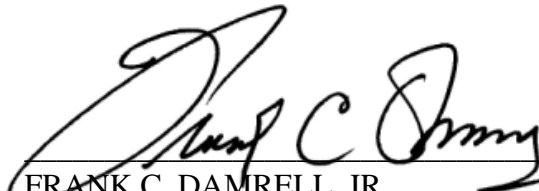
5 The court has reviewed the file and finds the findings and recommendations to be
6 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
7 ORDERED that:

8 1. The findings and recommendations filed December 17, 2008, are adopted in
9 full;

10 2. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C.
11 § 2241, including his request for injunctive relief, is denied; and

12 3. This action is dismissed without prejudice.

13 DATED: January 21, 2009.

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16 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE
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