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7	IN THE UNITED STATES DISTRICT COURT
8	FOR THE EASTERN DISTRICT OF CALIFORNIA
9	RAYMOND CHRISTIAN FOSS,
10	Petitioner, No. 2:09-cv-3551-JAM-JFM (HC)
11	VS.
12	MIKE MARTEL, Warden,
13	Respondent. <u>ORDER</u>
14	/
15	Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas
16	corpus pursuant to 28 U.S.C. § 2254. On May 3, 2012, the magistrate judge filed an order and
17	findings and recommendations. Therein, the magistrate judge denied motions to expand the
18	record, for evidentiary hearing and to defer legal argument filed by petitioner, and recommended
19	that the petition be denied and this court decline to issue a certificate of appealability.
20	On May 16, 2012, petitioner filed a motion for a thirty day extension of time to
21	file motions for reconsideration of the magistrate judge's orders. On May 17, 2012, petitioner
22	filed a motion for this court to defer objections to the findings and recommendations pending
23	ruling on any motions for reconsideration. On May 23, 2012, petitioner filed a motion for
24	reconsideration of the magistrate judge's order denying his motion to defer legal argument on the
25	substantive claims of the petition. On May 25, 2012, petitioner filed a motion for reconsideration
26	of the magistrate judge's order denying petitioner's November 30, 2011 motion to expand the
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record. On May 31, 2012, respondent filed an opposition to these two motions. On June 4,
2012, petitioner filed a request to vacate the referral to the magistrate judge. On June 12, 2012,
petitioner filed motions for reconsideration of the magistrate judge's order denying petitioner's
motions for leave to file a supplemental motion to expand the record and a second supplemental
motion to expand the record. Finally, on June 4, 2012, petitioner filed a motion for
reconsideration of the magistrate judge's order denying petitioner's motion for evidentiary

After review of the record, and good cause appearing, petitioner's May 16, 2012 motion for extension of time will be granted and all of petitioner's motions for reconsideration deemed timely filed. Pursuant to E.D. Local Rule 303(f), a magistrate judge's orders shall be upheld unless "clearly erroneous or contrary to law." Upon review of the entire file, the court finds that it does not appear that any of the rulings of the magistrate judge for which petitioner seeks reconsideration were clearly erroneous or contrary to law. The rulings will therefore be affirmed.

Petitioner's motion to defer objections will be construed as a motion for extension
of time to file objections and, so construed, will be granted. Petitioner will be granted twentyone days from the date of this order in which to file and serve objections to the findings and
recommendations, and respondent will be granted fourteen days in which to respond to any
objections filed by petitioner.

Finally, on June 4, 2012, petitioner filed a document styled Request for Retention
by District Court Judge. Therein, petitioner requests that the referral of this action to the
assigned magistrate judge be vacated. That request will be denied.

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In accordance with the above, IT IS HEREBY ORDERED that:

24 1. Petitioner's May 16, 2012 motion for extension of time (Docket No. 92) is
25 granted;

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1	2. Petitioner's May 23, 2012 motion for reconsideration (Docket No. 94),
2	petitioner's May 25, 2012 motion for reconsideration (Docket No. 95), petitioner's June 12, 2012
3	motions for reconsideration (Docket Nos. 98 and 99), and petitioner's June 15, 2012 motion for
4	reconsideration (Docket No. 101) are all deemed timely filed;
5	3. Upon reconsideration, the orders of the magistrate judge filed May 3, 2012 are
6	affirmed;
7	4. Petitioner's May 17, 2012 motion to defer objections (Docket No. 93) is
8	construed as a request for an extension of time to file objections to the May 3, 2012 findings and
9	recommendations and, so construed, is granted;
10	5. Petitioner is granted thirty days from the date of this order in which to file
11	objections to the findings and recommendations;
12	6. Any reply to objections shall be filed not later that fourteen days after service
13	of objections; and
14	7. Petitioner's June 4, 2012 request to vacate referral of this matter to the
15	magistrate judge (Docket No. 97) is denied.
16	DATED: September 11, 2012
17	/s/ John A. Mendez
18	UNITED STATES DISTRICT COURT JUDGE
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