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

MARIO FLAVIO GARCIA,

Petitioner,

No. CIV S-10-0968 GEB DAD P

vs.

KEN CLARK, Warden,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, is seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has two motions pending before the court.

First, on August 2, 2010, petitioner filed a motion requesting that this case be reassigned to a United States District Judge. As the court explained in its June 22, 2010 order, petitioner’s decision to decline the jurisdiction of the undersigned magistrate judge has already been duly noted. United State District Judge Garland E. Burrell has been randomly assigned to this action.¹ (Doc. No. 9.) Accordingly, petitioner’s request for reassignment will be denied as moot.

¹ This case will therefore proceed before the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and Local Rule 302. Any dispositive findings and recommendations made by the undersigned magistrate judge will be reviewed de novo by the assigned United States District Judge. See Fed. R. Civ. P. 72(b).

1 Second, on August 11, 2010, petitioner filed a motion requesting that his
2 “pleadings be interpreted more liberally.” The court is well-aware that “[a] document filed pro se
3 is ‘to be liberally construed,’ . . . however inartfully pleaded, [and] must be held to less stringent
4 standards than formal pleadings drafted by lawyers.” Woods v. Carey, 525 F.3d 886, 889-90 (9th
5 Cir. 2008) (quoting Erickson v. Pardus, 551 U.S. 89, 94 (2007)); see Corjasso v. Ayers, 278 F.3d
6 874, 878 (9th Cir. 2002) (“Pro se habeas petitioners may not be held to the same technical
7 standards as litigants represented by counsel.”). Accordingly, petitioner’s request will be denied
8 as unnecessary.

9 **CONCLUSION**

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

- 11 1. Petitioner’s August 2, 2010 motion for the reassignment of this case (Doc. No.
12 21) is denied as moot; and
13 2. Petitioner’s August 11, 2010 motion for his pleadings to be interpreted more
14 liberally (Doc. No. 23) is denied as unnecessary.

15 DATED: August 13, 2010.

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18 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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