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

BRIAN DARNELL EDWARDS,

Petitioner,

No. CIV S-10-1124 WBS EFB P

vs.

F.B. HAWS, Warden,

Respondent.

FINDINGS AND RECOMMENDATIONS

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Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. Petitioner argues that several rules violation reports that he received while incarcerated were imposed in violation of his due process rights.

On November 12, 2010, the undersigned ordered petitioner to show cause why his claims should not be dismissed as not cognizable on federal habeas, as he had not alleged that the rules violation reports extended the length of his sentence, for example, through the loss of time credits.

Petitioner responded to the order to show cause on October 12, 2010. His response does not address whether the length of his sentence was extended by the rules violation reports. Rather, the response discusses the exhaustion of his claims through the internal appeals process and state courts. As petitioner has not claimed that the rules violation reports extended the

1 length of his sentence, his claims are not cognizable on federal habeas.

2 Accordingly, it is hereby RECOMMENDED that:

- 3 1. This action be dismissed without prejudice; and  
4 2. The Clerk be directed to close the case.

5 These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, any party may file written  
8 objections with the court and serve a copy on all parties. Such a document should be captioned  
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
10 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: January 7, 2011.

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14 EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
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