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

FRANK STEFFENSEN,

Petitioner,

No. CIV S-11-1389 KJM KJN P

vs.

MICHAEL BABCOCK,

Respondent.

ORDER

_____ /

Petitioner, a federal prisoner proceeding pro se, has filed this application for a writ of habeas corpus under 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 27, 2012, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Petitioner has filed objections to the findings and recommendations; respondent has filed a response.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

1 In his objections to the findings and recommendations, petitioner asserts a new
2 ground for habeas relief: that reliance by the sentencing judge on conduct associated with a prior
3 overturned conviction requires recalculation of his federal sentence. Plaintiff's currently pending
4 habeas petition is based instead on his argument that he is entitled to credit for the time served as
5 a result of that prior overturned conviction. The court declines to address petitioner's new and
6 apparently unexhausted argument first raised in the objections.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed January 27, 2012 (Dkt. No. 21), are
9 adopted in full;
- 10 2. Petitioner's "Request for Status Hearing And/or Factual Findings" (Dkt. No.
11 17), is denied;
- 12 3. Respondent's motion to dismiss (Dkt. No. 11), is granted;
- 13 4. Petitioner's "Motion to Redact" (Dkt. No. 24), is denied; and
- 14 5. This action is dismissed.

15 IT IS SO ORDERED.

16 DATED: March 31, 2012.

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UNITED STATES DISTRICT JUDGE

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