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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOCK McNEELY,
Petitioner,
v.
KEVIN CHAPPELL,
Respondent.

No. 2:12-cv-00931-EFB P

ORDER

Petitioner is a state prisoner proceeding without counsel on a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1), the parties have consented to the jurisdiction of the United States Magistrate Judge to conduct all further proceedings in the case, including the entry of final judgment, by manifesting their consent in writings signed by the parties or their representatives. ECF Nos. 25 (petitioner), 28 (respondent).

Petitioner sought to have this case classified as a petition under 28 U.S.C. § 2241 instead of § 2254. ECF No. 19. The court denied the request. ECF No. 26. Thereafter, petitioner sought to withdraw his consent to magistrate judge jurisdiction. ECF No. 31. The court denied the request, concluding that petitioner had not made the requisite showing of extraordinary circumstances and finding petitioner’s timing – immediately following the denial of his request for reclassification of the case – suggestive of forum shopping. ECF No. 34. Petitioner seeks

1 “reconsideration” by “the District Court Judge” of the orders appearing at ECF Nos. 26 and 34.
2 ECF Nos. 27, 35.

3 As the parties have consented to the jurisdiction of the undersigned and as the undersigned
4 has specifically denied petitioner’s request to withdraw that consent, petitioner’s motions to the
5 District Judge are misdirected. Any appeal from the rulings of the assigned Magistrate Judge
6 must be directed to the Court of Appeals and timed in accordance with the Federal Rules of
7 Appellate Procedure. Fed. R. Civ. P. 73(c).

8 To the extent petitioner asks the undersigned to reconsider the orders appearing at ECF
9 Nos. 26 and 34, the motion is denied. Petitioner has not made the requisite showing required by
10 Local Rule 230(j). Rather, it appears that petitioner simply disagrees with the rulings.

11 Accordingly, petitioner’s motions for reconsideration, ECF No. 27, 35, are DENIED.

12 DATED: February 4, 2014.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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