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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OSHAY L. JOHNSON,
Petitioner,
v.
UNKNOWN,
Respondent.

No. 2:13-cv-00878 CKD P

ORDER

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has consented to this court’s jurisdiction pursuant to 28 U.S.C. § 636(c) and Local Rule 302. Before the court is petitioner’s September 10, 2013 motion for reconsideration of the August 20, 2013 order dismissing the petition as successive.

Local Rule 305(c) provides: “Upon the entry of a final judgment in any action disposed of by a Magistrate Judge on consent of the parties under the authority of 28 U.S.C. § 636(c) and these Rules, an aggrieved party may appeal directly to the United States Court of Appeals for the Ninth Circuit in the same manner as governs appeals from any other final judgment of the Court.”

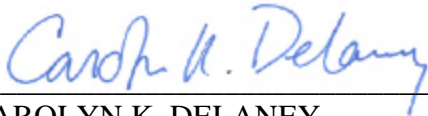
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1 See Fed. R. Civ. P. 73(c). Moreover, the undersigned’s August 20, 2013 order is not “clearly
2 erroneous or contrary to law.”¹ See Local Rule 303(f).

3 Accordingly, IT IS HEREBY ORDERED THAT petitioner’s motion for reconsideration
4 (ECF No. 8) is denied.

5 Dated: October 16, 2013

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7 _____
8 CAROLYN K. DELANEY
9 UNITED STATES MAGISTRATE JUDGE
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25 _____
26 ¹ Petitioner argues that the petition is not successive because he was effectively re-sentenced
27 when, in 2011, the Sacramento County Superior Court issued an amended abstract of judgment of
28 his 1993 conviction and sentence. But see ECF No. 1 at 47-49 (amended abstract of judgment
“clarifies, but does not revise, the indeterminate term” while “[t]he determinate term remains
unchanged.”)