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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY R. TURNER,
Petitioner,
v.
PAUL RICHARDSON et al.,
Respondents.

No. 2: 13-cv-1160 AC P

ORDER &
FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se, has filed an application pursuant to 28 U.S.C. § 2254. By Order filed on February 5, 2014, petitioner was ordered to show cause why this petition should not be dismissed as duplicative of Turner v. Richardson, 2:13-cv-0454 WBS AC P. That action, in which petitioner is represented by counsel, appears to challenge the same judgment of conviction at issue in the instant case. Petitioner was informed that if he wished to proceed only in Case No. 2:13-cv-0454 WBS AC P, he could file a notice of voluntary dismissal of the instant action pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

Petitioner has not responded to the court’s order and the time for doing so has expired. The court notes that on February 21, 2014, an amended petition was filed in Case No. 2:13-cv-0454 WBS AC P. That case, like this one, challenges petitioner’s March 18, 2010 conviction in

1 Yolo County Superior Court on charges of transportation and possession of methamphetamine,
2 and the resulting eighteen year sentence imposed on May 10, 2010. Accordingly, for the reasons
3 set forth herein and in the Order filed on February 5, 2014 (ECF No. 27), the court recommends
4 dismissal of the instant petition as duplicative. Alternatively, the court recommends dismissal for
5 petitioner's complete failure to comply with a court order. See Fed. R. Civ. P. 41(b); L. R. 110.

6 Accordingly, IT IS ORDERED that the Clerk of the Court make a random assignment of a
7 district judge to this case.

8 IT IS RECOMMENDED that the instant petition be dismissed as duplicative of Turner v.
9 Richardson, 2:13-cv-0454 WBS AC. Alternatively, it is recommended that the case be dismissed
10 for petitioner's wholesale failure to comply with the February 5, 2014 Order to Show Cause (ECF
11 No. 27). See Fed. R. Civ. P. 41(b); L. R. 110.

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
14 after being served with these findings and recommendations, any party may file written
15 objections with the court and serve a copy on all parties. Such a document should be captioned
16 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
17 objections shall be filed and served within fourteen days after service of the objections. The
18 parties are advised that failure to file objections within the specified time may waive the right to
19 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

20 DATED: March 20, 2014

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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