



1 petitioner. Accordingly, the petition should be dismissed without prejudice.<sup>2</sup>

2 Good cause appearing, IT IS HEREBY ORDERED that:

3 1. Petitioner is granted leave to proceed in forma pauperis;

4 2. The Clerk shall assign a district judge to this case as petitioner has not filed a consent  
5 to the undersigned presiding pursuant to 28 U.S.C. § 636(c);

6 3. The Clerk of the Court is directed to serve a copy of these findings and  
7 recommendations together with a copy of the petition filed in the instant case on the Attorney  
8 General of the State of California; and

9 IT IS HEREBY RECOMMENDED that petitioner's application for a writ of habeas  
10 corpus be dismissed for failure to exhaust state remedies.

11 These findings and recommendations will be submitted to the United States District Judge  
12 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
13 after being served with these findings and recommendations, petitioner may file written  
14 objections with the court. The document should be captioned "Objections to Findings and  
15 Recommendations." Petitioner is advised that failure to file objections within the specified  
16 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
17 (9th Cir. 1991).

18 Dated: January 7, 2015

19 /s/ Gregory G. Hollows  
20 UNITED STATES MAGISTRATE JUDGE

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24  
25 <sup>2</sup> Petitioner is cautioned that the habeas corpus statute imposes a one year statute of limitations  
26 for filing non-capital habeas corpus petitions in federal court. In most cases, the one year period  
27 will start to run on the date on which the state court judgment became final by the conclusion of  
28 direct review or the expiration of time for seeking direct review, although the statute of  
limitations is tolled while a properly filed application for state post-conviction or other collateral  
review is pending. 28 U.S.C. § 2244(d).