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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND ANTHONY HILL,  
Petitioner,  
v.  
JOE LIZARRAGA, Warden,  
Respondent.

No. 2:16-cv-01581 JAM GGH P

ORDER and FINDINGS AND  
RECOMMENDATIONS

On July 11, 2016, Petitioner, a prisoner at Mule Creek State Prison, filed a document entitled “Notice of Motion and Motion to Vacate the Attachment of Raymond Anthony Hill.” ECF No. 1. The court docketed the matter as a Petition for Habeas Corpus insofar as Petitioner refers to Respondent Lizarraga as “the custodian of Petitioner, . . .”. *Id.* at 2:21-22. He avers that he is a “public vessel,” *id.* at 17, and that “Respondent does not have a valid prima facie admiralty claim to meet the burden of proof to obtain an attachment of Petitioner.” *Id.* at 3:7-9. He seeks vacation of his attachment. *Id.* at 3:17. Petitioner has neither sought to proceed *in forma pauperis*, nor has he paid the required filing fee to take his Claim forward.

DISCUSSION

Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254 provides for summary dismissal of a habeas petition “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court.” Here,

1 petitioner's claims are virtually unintelligible and nonsensical. It is plain from the petition and  
2 appended exhibits that petitioner is not entitled to federal habeas relief. Therefore, the petition  
3 should be summarily dismissed.

4 Pursuant to Rule 11 of the Federal Rules Governing Section 2254 Cases, this court must  
5 issue or deny a certificate of appealability when it enters a final order adverse to the applicant. A  
6 certificate of appealability may issue only "if the applicant has made a substantial showing of the  
7 denial of a constitutional right." 28 U.S.C. § 2253(c)(2). For the reasons set forth in these  
8 findings and recommendations, a substantial showing of the denial of a constitutional right has  
9 not been made in this case.

#### 10 CONCLUSION

11 For the reasons set forth above, IT IS ORDERED that the Clerk of the Court is directed to  
12 serve a copy of the petition filed in this case together with a copy of these findings and  
13 recommendations on the Attorney General of the State of California.

14 IT IS HEREBY RECOMMENDED that:

- 15 1. Petitioner's application for a writ of habeas corpus be summarily dismissed; and
- 16 2. The District Court decline to issue a certificate of appealability.

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

24 Dated: August 3, 2016

25 /s/ Gregory G. Hollows

26 UNITED STATES MAGISTRATE JUDGE