

1 The Magistrate Judge issued Findings and Recommendations (“F&Rs”)
2 recommending that the court (1) liberally construe petitioner’s Response as a Rule 4(a)(4) motion
3 and (2) deny the motion. ECF No. 21 (issued Nov. 27, 2017). Petitioner objected. ECF No. 24
4 (filed Jan. 29, 2018). In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local
5 Rule 304, this court has conducted a de novo review of the matter. Having reviewed the file, the
6 F&Rs and petitioner’s objections, the court ADOPTS the F&Rs in full.

7 In sum, the courts answers the Ninth Circuit’s question (ECF No. 20) as follows:
8 The court liberally construes petitioner’s Response as a motion under Federal Rule of Civil
9 Procedure 52(b) seeking to amend the court’s dismissal order; such a motion is one of the
10 motions listed in Federal Rule of Appellate Procedure 4(a)(4). The court finds the motion does
11 not address the basis for the court’s dismissal such that it should be denied. Specifically,
12 dismissal was based on petitioner’s repeated failure to amend her pleading to state a decipherable
13 civil rights or habeas claim, yet petitioner’s motion does not address this basis but discusses only
14 the merits of her claims. *Compare* Dismissal Order, ECF No. 13 (adopting ECF No. 9), *with*
15 Response at 1-3.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The Findings and Recommendations, ECF No. 21, filed on November 27, 2017 are
18 ADOPTED in FULL.
- 19 2. Petitioner’s Response, ECF No. 15, liberally construed as a Rule 4(a)(4) motion is
20 DENIED.

21 This order addresses ECF No. 20 and resolves ECF No. 21.

22 DATED: March 27, 2018.

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26 UNITED STATES DISTRICT JUDGE
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