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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOLLIE GARRETT, III,
Petitioner,
v.
LIZARRAGA,
Respondent.

No. 2:17-cv-2105 AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. However, both the petition and the application to proceed in forma pauperis are captioned for the Ninth Circuit and the grounds raised in the petition are the same as those raised in the petition in Garrett v. Grounds (Grounds), 2:14-cv-1973 JAM DB. Grounds at ECF No. 1. The proceedings in Grounds are still ongoing, and there are currently findings and recommendations pending which recommend dismissal of the petition. Grounds at ECF No. 57. On September 28, 2017, petitioner was granted a thirty-day extension of time to file objections to those findings and recommendations. Grounds at ECF No. 59.

It appears that petitioner is attempting to appeal the decision in Grounds. However, final judgment has yet to be entered in that case. If petitioner wants to object to the findings and recommendations in Grounds, he must file objections in that case. The objections must be titled

1 “Objections to Magistrate Judge’s Findings and Recommendations” and be labeled with the name
2 and number of that case (Garrett v. Grounds, 2:14-cv-1973 JAM DB). Petitioner is further
3 advised that failure to file objections within the specified time may waive the right to appeal the
4 District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). Once a final order has
5 issued in Grounds, if petitioner wants to appeal that decision to the Ninth Circuit, he needs to file
6 a notice of appeal in Grounds. If petitioner wants to file something with the Ninth Circuit, he
7 needs to mail it to the following address:

8 Office of the Clerk
9 U.S. Court of Appeals for the Ninth Circuit
10 P.O. Box 193939
11 San Francisco, CA 94119-3939

12 For the reasons set forth above, IT IS HEREBY ORDERED that:

- 13 1. This case was opened in error.
- 14 2. The Clerk of the Court is directed to return the petition (ECF No. 1) and motion to
15 proceed in forma pauperis (ECF No. 2) to petitioner.
- 16 3. The Clerk of the Court is further directed to close this case.

17 DATED: October 17, 2017

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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