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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN SOTO,
Petitioner,
v.
M.E. SPEARMAN,
Respondent.

No. 2:17-cv-02498-TLN-AC

ORDER

On September 21, 2018, this Court adopted the findings and recommendations of the magistrate judge assigned to this action, and judgment was entered. (*See* ECF Nos. 8, 9.) On the same day, Petitioner filed a motion for a twenty-day extension of time to file objections to the findings and recommendations. (ECF No. 10.) The extension request offered illness, lack of access to the prison law library, and untimely legal mail delivery in support of a grant of it. (ECF No. 10 at 2.)

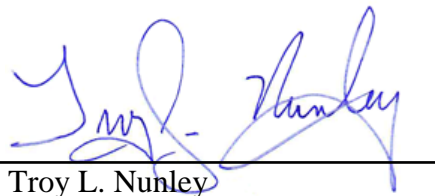
On October 5, 2018, Petitioner filed a motion for reconsideration of this Court’s order. (ECF No. 11.) The motion again requested an extension of time for the same reasons proffered in Petitioner’s extension of time request, and it provided documents in support of the extension request. (ECF No. 11.) It did not, however, provide new or different facts or circumstances that did not exist or were not shown upon the prior motion. *See* Local Rules 230(j)(3) (E.D. Cal. 2009). Moreover, the petition seeks a remedy for the denial of Petitioner’s parole, which is not

1 actionable in habeas. *See Swarthout v. Cooke*, 562 U.S. 216, 219 (2011) (federal habeas
2 jurisdiction does not extend to review of the basis for state parole decisions). For these reasons,
3 the Court will deny Petitioner's motion for reconsideration.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Petitioner's motion for an extension of time (ECF No. 10) is DENIED as moot, and
- 6 2. Petitioner's motion for reconsideration (ECF No. 11) is DENIED.

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8 Dated: December 10, 2018

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12 Troy L. Nunley
13 United States District Judge
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