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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ISAAC VASQUEZ,
Petitioner,
v.
M. ELIOT SPEARMAN,
Respondent.

No. 2:18-cv-00073-TLN-KJN

ORDER

Petitioner Isaac Vasquez (“Petitioner”), a state prisoner proceeding *pro se*, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 24, 2020, the magistrate judge filed findings and recommendations recommending that Petitioner’s petition for writ of habeas corpus be denied. (ECF No. 15.) The findings and recommendations contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (*Id.*) Neither party filed objections to the findings and recommendations.

On October 7, 2020, the Court adopted the April 24, 2020 findings and recommendations and judgment was entered. (ECF Nos. 18–19.)

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1 On November 4, 2020, Petitioner filed a request to file objections to the findings and
2 recommendations. (ECF No. 20.) On November 17, 2020, the Court issued an Order construing
3 Petitioner's November 4, 2020 filing as a request for relief from judgment pursuant to Federal
4 Rule of Civil Procedure 60(b). (ECF No. 21.) The Court granted Petitioner's request for relief
5 from judgment, vacated the October 7, 2020 Order and Judgment, and granted Petitioner thirty
6 days to file objections to the April 24, 2020 findings and recommendations. (*Id.*)

7 On December 17, 2020, the magistrate judge granted Petitioner a sixty-day extension of
8 time to file objections. (ECF No. 23.) On January 29, 2021, the magistrate judge granted
9 Petitioner a second sixty-day extension of time to file objections. (ECF No. 25.) Sixty days have
10 passed from January 29, 2021, and Petitioner has not filed objections. Accordingly, the Court
11 herein addresses the April 24, 2020 findings and recommendations.

12 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
13 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.
14 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

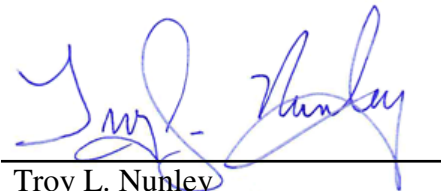
15 The Court has reviewed the file and finds the findings and recommendations to be
16 supported by the record and by the magistrate judge's analysis.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The findings and recommendations filed April 24, 2020 (ECF No. 15), are ADOPTED
19 IN FULL;
- 20 2. Petitioner's application for a writ of habeas corpus is DENIED; and
- 21 3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. §
22 2253.

23 IT IS SO ORDERED.

24 DATED: April 30, 2021

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27 Troy L. Nunley
28 United States District Judge