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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER JACOB JOHNSON,
Petitioner,
v.
MICHAEL MARTEL, Warden,
Respondent.

No. 2:18-cv-1604 TLN AC P

ORDER

On July 9, 2018, the undersigned screened the petition and recommended that it be dismissed for lack of habeas jurisdiction because success on the petition would not necessarily spell speedier release for petitioner. ECF No. 3. The court also declined to re-characterize the petition as a civil rights complaint because of the differences between the two types of action and the disadvantages that re-characterization could create for petitioner’s claims. Id. at 4. Petitioner was advised that he was free to initiate file a new complaint under 42 U.S.C. § 1983 if he wished. Id. He was given twenty-one days to submit objections to the findings and recommendations regarding dismissal of the habeas case. Id. at 5. Petitioner has now filed a request for an extension of time and for the court to return his petition so that he can “start all over.” ECF No. 4.

It is unclear whether his desire to “start all over” means that petitioner wishes to file an amended habeas petition or wishes to initiate a civil rights action. It is also unclear why he is

1 requesting an extension of time. To the extent petitioner is seeking an extension of time to file an
2 amended petition, that request will be denied for the same reasons dismissal was recommended in
3 the July 9, 2018 findings and recommendations. If plaintiff is seeking to extend the statute of
4 limitations for initiating a separate civil rights complaint, that request will also be denied because
5 the court cannot extend the statute of limitations. If petitioner wishes to file a civil rights action
6 he must file a complaint independent of this habeas case, which will be given a new case number.

7 The only deadline that petitioner faces in this case, which could be extended, is the
8 deadline for filing objections to the pending findings and recommendations. The court will grant
9 petitioner an extension of that deadline.

10 As for petitioner's request for copies, the petition is 174 pages long due to the large
11 number of exhibits attached. The court will provide petitioner with a one-time courtesy copy of
12 the first twenty-five pages of the petition, which contain his claims, but if he wants a copy of the
13 remaining pages, he will need to provide a check for the cost of copies made payable to "Clerk,
14 USDC" along with a self-addressed, stamped envelope. Copies are provided at a cost of \$0.50
15 per page.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Petitioner's request for an extension of time (ECF No. 4) is granted to the extent that
18 he shall have thirty days from service of this order to file objections to the July 9, 2018 findings
19 and recommendations.

20 2. To the extent that petitioner seeks an extension of time for any other purpose, the
21 request is denied.

22 3. Petitioner's request for copies (ECF No. 4) is granted in part. The Clerk of the Court
23 is directed to provide petitioner with a courtesy copy of the first twenty-five pages of the petition
24 only.

25 DATED: August 8, 2018

26 
27 ALLISON CLAIRE
28 UNITED STATES MAGISTRATE JUDGE