

1 On the first page of the petition, petitioner claims that his judgment of conviction in the
2 Sacramento County Superior Court was August 15, 2020 – an impossibility. ECF No. 22 at 1.
3 It is unclear if this is an error or if petitioner is listing some other date he believes is pertinent.
4 Elsewhere in the petition, he refers to a “conviction obtained by a violation of the privilege
5 against in-crimination” and a “conviction obtained by use of evidence obtained pursuant to
6 unlawful arrest.” *Id.* at 4. By way of supporting facts, he refers to strange events¹ – the
7 pertinence of which the court cannot discern – all of which allegedly occurred more than twenty
8 years ago, in 1998. *Id.* at 4-5. He asserts that he has a “seventy-five page writ” (*id.* at 5), but that
9 document is not included in the current record.

10 This is the second time that the court has found one of petitioner’s pleadings
11 unintelligible. *See* ECF No. 21 at 3. The court previously informed petitioner of the defects in
12 his pleadings and stressed that his claims could not be interpreted without additional specificity.
13 *Id.* The amended petition is, if anything, more inscrutable than its predecessor. Accordingly, the
14 court can only conclude that petitioner is incapable of articulating his claims in a manner
15 consistent with Rule 2 of the Rules Governing § 2254 Cases. *See Mayle v. Felix*, 545 U.S. 644,
16 655-56 (2005) (noting that Rule 2(c) demands that habeas petitioners plead their claims with
17 particularity so that district courts can determine whether the state should be ordered to show
18 cause why the writ should not be granted or whether the petition should be summarily dismissed
19 without ordering a responsive pleading). Accordingly, it is recommended that the petition be
20 dismissed without leave to amend.

21 III. Conclusion

22 Accordingly, it is ORDERED that the Clerk of Court shall randomly assign a United
23 States District Judge to this case.

24 /////

25 /////

26 /////

27 _____
28 ¹ He references threatening phone calls received in 1998. ECF No. 22 at 4. He states that
the victim’s family “are state employees” and are involved in these calls. *Id.* at 5.

1 Further, it is RECOMMENDED that the amended petition (ECF No. 22) be DISMISSED
2 for failure to state a cognizable federal claim.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
8 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). In
10 his objections petitioner may address whether a certificate of appealability should issue in the
11 event he files an appeal of the judgment in this case. See Rule 11, Rules Governing § 2254 Cases
12 (the district court must issue or deny a certificate of appealability when it enters a final order
13 adverse to the applicant).

14 DATED: April 17, 2020.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE