

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAVID SAMPSON HUNTER,

 Petitioner,

 v.

SCOTT R. JONES,

 Respondent.

No. 2:20-CV-1097-WBS-DMC-P

ORDER

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the Court is Petitioner’s motion, ECF No. 62, to “reinstate” findings and recommendations issued on February 14, 2022.

On February 14, 2022, the Court issued findings and recommendations that this action be dismissed. See ECF No. 52. Petitioner appealed to the Ninth Circuit. See ECF No. 58. On March 25, 2022, the Ninth Circuit dismissed the appeal for lack of jurisdiction as no final order had yet been issued. See ECF No. 61. The Ninth Circuit’s mandate issued on May 17, 2022. See ECF No. 63. Petitioner thereafter filed objections in this court to the February 14, 2022, findings and recommendations. Petitioner’s current motion seeks to “reinstate” the February 14, 2022, findings and recommendations following the Ninth Circuit’s dismissal of his appeal. Petitioner’s motion is denied as unnecessary as the findings and recommendations were never vacated and the matter is currently before the District Judge following filing of Petitioner’s

1 objections.

2 IT IS SO ORDERED.

3

4 Dated: September 2, 2022

5



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28