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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL RODRIGUEZ,
Petitioner,
v.
RICK HILL,
Respondent.

No. 2:20-cv-1268 KJM KJN P

ORDER

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

On July 23, 2020, the magistrate judge filed findings and recommendations, which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within thirty days. Petitioner has filed objections to the findings and recommendations. Therefore, in accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case.

The magistrate judge recommended this action be dismissed based on petitioner’s failure to exhaust state court remedies. Indeed, notwithstanding petitioner’s objections, it appears he may have filed his petition with this court in error, as it is addressed to the Sacramento County Superior Court.

1 Additionally, in his objections, petitioner claims that the instant action is a civil rights
2 action. Attached to the objections is a copy of the first page of petitioner’s civil rights complaint
3 filed in the United States District Court for the Central District of California in 2: 19-cv-0093 JVS
4 FFM. It appears petitioner has confused the instant action with that Central District case. In the
5 instant action, petitioner challenges the validity of a prison disciplinary conviction for Possession
6 of a Deadly Weapon. In 2:19-cv-0093, petitioner challenged the validity of a prison disciplinary
7 conviction for “Promoting STG Activities.”¹

8 Having reviewed the file, the court finds the findings and recommendations to be
9 supported by the record and by the proper analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations filed July 23, 2020, are adopted in full;
- 12 2. Petitioner’s application for a writ of habeas corpus is dismissed for failure to exhaust
13 state remedies; and
- 14 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C.
15 § 2253.

16 DATED: October 15, 2020.

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18 _____
19 CHIEF UNITED STATES DISTRICT JUDGE
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27 ¹ A court may take judicial notice of court records. *See, e.g., Bennett v. Medtronic, Inc.*, 285 F.3d
28 801, 803 n.2 (9th Cir. 2002) (“[W]e may take notice of proceedings in other courts, both within
and without the federal judicial system, if those proceedings have a direct relation to matters at
issue.”) (internal quotation omitted).