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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORMAN JOHN CRAIG,

 Petitioner,

 v.

JOHN D'AGOSTINI & VERN PIERSON,

 Respondents.

Case No. 2:21-cv-00890-JDP (HC)

ORDER THAT THE CLERK OF COURT
ASSIGN A DISTRICT JUDGE TO THIS
CASE

FINDINGS AND RECOMMENDATIONS
THAT THE MOTION TO CONVERT THE
PETITION BE GRANTED AND THE
MOTION TO CONSOLIDATE PETITIONS
BE DENIED

ECF Nos. 3 & 5

The petitioner, Norman John Craig, is a state prisoner proceeding without counsel who seeks a writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 1. Before his petition could be screened, petitioner filed a motion to convert his petition into a section 1983 action. ECF No. 3. Then, before I addressed that motion, he filed a motion asking to consolidate more than one petition for habeas corpus. ECF No. 5. I have reviewed both motions and recommend that the motion to convert be granted and the motion to consolidate be denied.

In his motion to convert, petitioner states his intention to bring medical deliberate indifference claims against unnamed officials at the El Dorado County Jail. ECF No. 3 at 2-3. Such claims should proceed in a section 1983 action. Accordingly, I recommend this motion be granted.

1 I have reviewed the motion to consolidate but cannot understand its substance. Petitioner
2 references mail fraud, mail tampering, and a shoulder injury, but he never specifies which
3 petitions he wants to consolidate or explains why consolidation is appropriate. ECF No. 5 at 5.
4 Moreover, consolidating petitions in this case is incompatible with the earlier motion to convert
5 that petitioner has not withdrawn. Accordingly, this motion should be denied.

6 It is ORDERED that the Clerk of Court shall assign a district judge to rule on these
7 findings and recommendations.

8 It is RECOMMENDED that:

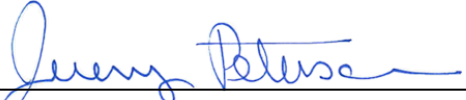
9 1. Petitioner's motion to convert, ECF No. 3, be granted. If this recommendation is
10 adopted, the Clerk of Court should be ordered to send petitioner a section 1983 complaint form
11 and the appropriate application to proceed *in forma pauperis*. Petitioner should be given sixty
12 days to file his complaint and either pay the filing fee or submit a completed IFP application.

13 2. Petitioner's motion to consolidate, ECF No.5, should be denied.

14 Under 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the
15 United States District Court, Eastern District of California, these findings and recommendations
16 are submitted to the United States District Court Judge who presides over this case. Within
17 fourteen days of the service of the findings and recommendations, petitioner may file written
18 objections to the findings and recommendations with the court. That document must be captioned
19 "Objections to Magistrate Judge's Findings and Recommendations." The presiding District
20 Judge will then review the findings and recommendations under 28 U.S.C. § 636(b)(1)(C).

21 IT IS SO ORDERED.

22 Dated: June 2, 2021

23 
24 JEREMY D. PETERSON
25 UNITED STATES MAGISTRATE JUDGE
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