

1 petitioner is not entitled to relief. *See Valdez v. Montgomery*, 918 F.3d 687, 693 (9th Cir. 2019);
2 *Boyd v. Thompson*, 147 F.3d 1124, 1127 (9th Cir. 1998).

3 Petitioner has not indicated that he has a finalized state conviction. The spaces for “date
4 of conviction” and “length of sentence” have been left blank. ECF No. 13 at 1-2. Additionally,
5 plaintiff indicates that some form of state appeal remains pending as of this amended petition. *Id.*
6 at 3. Thus, I conclude that petitioner’s claims are not yet ripe for federal habeas consideration.
7 *See* 28 U.S.C. § 2254(a) (“a district court shall entertain an application for a writ of habeas corpus
8 in behalf of a person in custody pursuant to the judgment of a State court . . .”). Here, it does not
9 appear that petitioner is in custody pursuant to a final state court judgment. Nor is there any
10 indication that he has presented any of his claims to the California Supreme Court. *See* 28 U.S.C.
11 § 2254(b)(1)(A). Petitioner may address these issues in any objections he chooses to file to these
12 findings and recommendations.

13 It is ORDERED that the Clerk of Court shall assign a district judge to this action.

14 Further, it is RECOMMENDED that the petition be DISMISSED for failure to state a
15 cognizable federal habeas claim.

16 These findings and recommendations are submitted to the United States District Judge
17 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
18 after being served with these findings and recommendations, any party may file written
19 objections with the court and serve a copy on all parties. Such a document should be captioned
20 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
21 objections shall be served and filed within fourteen days after service of the objections. The
22 parties are advised that failure to file objections within the specified time may waive the right to
23 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
24 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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IT IS SO ORDERED.

Dated: November 13, 2023



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE