

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN AGUILAR PACHECO,
Petitioner,
v.
WARDEN,
Respondent.

No. 2:23-cv-0765 WBS DB P

ORDER

Petitioner is a former¹ federal prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 24, 2023, the magistrate judge filed findings and recommendations herein which were served on petitioner, and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 5.)
Petitioner has not filed objections to the findings and recommendations.

¹ Records indicate that petitioner is no longer an inmate in the custody of the Federal Bureau of Prisons. See <https://www.bop.gov/inmateloc/> (inmate locator website operated by the Federal Bureau of Prisons). This court may take judicial notice of such information. See Louis v. McCormick & Schmick Restaurant Corp., 460 F. Supp. 2d 1153, 1155 fn.4 (C.D. Cal. 2006) (court may take judicial notice of state agency records); Pacheco v. Diaz, No. 1:19-cv-0774 SAB (PC), 2019 WL 5073594, at *2 (E.D. Cal. Sept. 4, 2019) (court may take judicial notice of the California Department of Corrections and Rehabilitation's inmate locator system).

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


Although it appears from the file that plaintiff's copy of the findings and recommendations was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed October 24, 2023, are adopted; and
- 2. This action is dismissed without prejudice.

Dated: December 26, 2023



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

/pach0765.800.hc