



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 The amended petition, like its predecessor, indicates that the challenged conviction  
4 occurred in 1992. ECF No. 8 at 1. As I explained in my previous order, any habeas petition  
5 challenging a conviction finalized before the enactment of the Anti-Terrorism and Effective  
6 Death Penalty Act of 1996 must have been filed by April 23, 1997. *See Calderon v. United States*  
7 *Dist. Court*, 128 F.3d 1283, 1287 (9th Cir. 1997). This action was not filed until this year.  
8 Petitioner offers no credible argument as to why he is entitled to the extraordinary amount of  
9 tolling required to render this action timely. At best, he argues that “for thirty six years [he] has  
10 pursued exhausting attempts [to attack his conviction.]” ECF No. 8 at 7. That does not justify  
11 tolling of the statute of limitations, however. Accordingly, I now recommend that this action be  
12 dismissed.

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

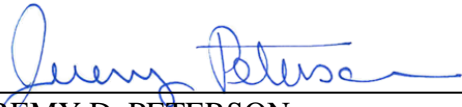
14 Further, it is RECOMMENDED that the first amended complaint, ECF No. 8, be  
15 DISMISSED as time-barred.

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: December 6, 2023

  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE