

1 prosecute, ECF No. 26, and submit these recommendations that the action be dismissed as
2 untimely and for failure to state a claim.

3 Under AEDPA, a state prisoner has one year, from the date his conviction is finalized, to
4 file a federal habeas petition attacking that conviction. *See Patterson v. Stewart*, 251 F.3d 1243,
5 1245 (9th Cir. 2001). Here, the conviction at issue appears to have been finalized in 2009. ECF
6 No. 20 at 49. This action was filed in November of 2023 and thus, even with tolling, there
7 appears no scenario in which this petition is timely. Additionally, the petition itself is
8 incomprehensible. The substantive portion, that is the part that is not simply a haphazard
9 collection of exhibits, is a lengthy screed of legal terms and case citations that is set down in
10 handwriting that is difficult to read. *Id.* at 1-46. Despite my best efforts, I can discern no specific
11 claims or legal theories in the amended petition and, thus, I find that it fails to state a cognizable
12 claim. Petitioner will have a chance to address these deficiencies in his objections to these
13 recommendations.

14 Accordingly, it is hereby ORDERED that:

- 15 1. The findings and recommendations at ECF No. 26 are WITHDRAWN.
- 16 2. Petitioner's motion for extension of time to file objections to those recommendations,
17 ECF No. 27, is DENIED as moot.


18 Further, it is RECOMMENDED that the amended petition, ECF No. 20, be DISMISSED
19 as untimely and for failure to state a cognizable claim.

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

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

IT IS SO ORDERED.

Dated: August 29, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE