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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZACHARY LLOYD KALSO,  
Petitioner,  
v.  
BUTTE COUNTY SUPERIOR COURT,  
Respondent.

No. 2:24-cv-0512 CKD P

ORDER AND  
FINDINGS AND RECOMMENDATIONS

Petitioner has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis. Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Petitioner challenges his detention at the Butte County Jail. While not entirely clear, it appears he challenges the fact that he has been denied bail. Petitioner also challenges his detention in the Butte County Jail in 2:24-cv-0507 DMC. Because it appears that this action is duplicative of the earlier filed action, and because there does not appear to be good cause for permitting petitioner to proceed with two actions, the court will recommend that this action be dismissed.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s motion for leave to proceed in forma pauperis (ECF No. 5) is granted; and
2. The Clerk of the Court assign a district court judge to this case.

IT IS HEREBY RECOMMENDED that:

1. Petitioner’s petition for a writ of habeas corpus be dismissed without prejudice; and
2. This case be closed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, petitioner may file written objections with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” In his objections petitioner may address whether a certificate of appealability should issue in the event he files an appeal of the judgment in this case. See Rule 11, Federal Rules Governing Section 2254 Cases (the district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant). Where, as here, a habeas petition is dismissed on procedural grounds, a certificate of appealability “should issue if the prisoner can show: (1) ‘that jurists of reason would find it debatable whether the district court was correct in its procedural ruling;’ and (2) ‘that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right.’” Morris v. Woodford, 229 F.3d 775, 780 (9th Cir. 2000) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). Petitioner is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: April 24, 2024

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE