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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL C. BOLIN,
Petitioner,
v.
RACHEL NEWCOMB, et al.,
Respondents.

No. 2:24-cv-01534-EFB (HC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner is a state prisoner proceeding pro se. He filed this action on May 31, 2024 with the caption: “Petitioner’s request/demand for issue of show cause order pursuant to Penal Code § 1473.” ECF No. 1. Petitioner paid the \$5 fee for the filing of a petition for writ of habeas corpus, and the case was classified by the court clerk as a habeas petition under 28 U.S.C. § 2254.

Petitioner has filed two motions to clarify that he seeks a show cause order under California Penal Code § 1473 and not a writ of habeas corpus. ECF Nos. 4, 5. But petitioner does not present a basis for this court to exercise jurisdiction over the case. Section 1473 is a California statute concerning state habeas petitions. This state statute cannot and does not confer jurisdiction on this federal court. See *Quintero v. Pfeiffer*, No. CV 21-3782-MWF(E), 2021 U.S. Dist. LEXIS 249565, at *19 (C.D. Cal. Dec. 3, 2021) (state prisoner’s claim that he was entitled

1 to resentencing under § 1473 was not cognizable by federal court).

2 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a
3 district judge to this action. It is further RECOMMENDED that the case be dismissed without
4 leave to amend as outside this court’s jurisdiction.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
10 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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13 Dated: March 7, 2025


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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