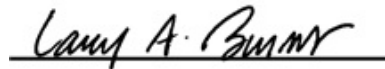


1 He therefore sought an extension of time to respond to the motion to dismiss in that case.
2 (Docket no. 28.) The Court *sua sponte* takes notice of that letter, for purposes of showing
3 the fact that he was able to file pleadings, and of showing his representations to the Court.
4 See Fed. R. Evid. 201(c); *In re Heritage Bond Litigation*, 546 F.3d 667, 670 n.1 (9th Cir.
5 2008). Petitioner was required, however, to file a notice of change of address in this case
6 as well. See Civil Local Rule 83.11(b) (requiring *pro se* litigants to keep the Court and
7 opposing parties advised as to his current address.) The Court therefore concludes
8 Petitioner could have sought additional time in which to file his objections, but chose not to
9 do so. In view of the R&R's recommendations, which are based on well-established
10 precedents, it appears Petitioner recognizes federal habeas relief is unavailable to him and
11 has chosen to abandon his Petition.

12 A district judge "may accept, reject, or modify the recommended decision" on a
13 dispositive matter prepared by a magistrate judge proceeding without the consent of the
14 parties for all purposes. Fed. R. Civ. P. 72(b); see 28 U.S.C. §636(b)(1). The Court has
15 reviewed the R&R, finds it to be correct, and therefore **ADOPTS** it. The Petition is **DENIED**.

16 **IT IS SO ORDERED.**

17 DATED: September 1, 2009

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19 **HONORABLE LARRY ALAN BURNS**
20 United States District Judge

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