

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Collins v. People of the State of California

Collins · No. 1:25-cv-00206-SKO (HC) · Decided April 1, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissal with prejudice of a state prisoner’s 28 U.S.C. § 2254 habeas petition because the petitioner failed to file an amended petition after the court identified deficiencies and granted leave to amend. The court also directs the Clerk of Court to assign a district judge and advises the parties of the fourteen-day deadline for filing objections.

OPINION

(HC) Collins v. On Habeas Corpus

PER CURIAM.

1 2 3 4 5

6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8 9 10 11 DONTRELL COLLINS,) Case No.: 1:25-cv-00206-SKO (HC)) 12 Petitioner,)
ORDER DIRECTING CLERK OF COURT TO

) ASSIGN DISTRICT JUDGE

13 v.)

) FINDINGS AND RECOMMENDATION TO

14

) DISMISS PETITION

15 PEOPLE OF THE STATE OF CALIFORNIA,)

) [FOURTEEN-DAY DEADLINE]

16 Respondent.)) 17 18 Petitioner is a state prisoner proceeding pro se with a petition for writ of
habeas corpus 19 pursuant to 28 U.S.C. § 2254. He filed a pleading entitled “Appellate Ex Parte
Notice of Appeal 20 Pursuant to 28 U.S.C. § 2254 on February 14, 2025. A preliminary screening
of the petition revealed 21 the petition failed to present any cognizable grounds for relief and
failed to name a proper respondent. 22 On February 20, 2025, the Court dismissed the petition
with leave to file a first amended petition. 23 (Doc. 4.) Petitioner was granted thirty (30) days to
file a first amended petition in compliance with the 24 Court’s order. Over thirty (30) days have
passed, and Petitioner failed to file an amended petition. The 25 Court forewarned Petitioner that
failure to file an amended petition would result in a recommendation 26 that the petition be

dismissed and the case closed.

27 ORDER

28 The Clerk of Court is DIRECTED to assign a district judge to this case.

1 RECOMMENDATION

2 For the foregoing reasons and those stated in the Court's order dismissing the petition (Doc. 4),
3 the Court recommends the petition be DISMISSED with prejudice and the case be CLOSED. 4
This Findings and Recommendation is submitted to the United States District Court Judge 5
assigned to the case, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the
Local 6 Rules of Practice for the United States District Court, Eastern District of California.
Within fourteen 7 (14) days after being served with a copy of this Findings and Recommendation,
a party may file 8 written objections with the Court and serve a copy on all parties. Id. The
document should be 9 captioned, "Objections to Magistrate Judge's Findings and
Recommendation" and shall not exceed 10 fifteen (15) pages, except by leave of court with good
cause shown. The Court will not consider 11 exhibits attached to the Objections. To the extent a
party wishes to refer to any exhibit(s), the party 12 should reference the exhibit in the record by its
CM/ECF document and page number, when possible, 13 or otherwise reference the exhibit with
specificity. Any pages filed in excess of the fifteen (15) page 14 limitation may be disregarded by
the District Judge when reviewing these Findings and 15 Recommendations pursuant to 28 U.S.C.
§ 636 (b)(1)(C). The parties are advised that failure to file 16 objections within the specified time
may result in the waiver of rights on appeal. *Wilkerson v. 17 Wheeler*, 772 F.3d 834, 838-39 (9th
Cir. 2014). This recommendation is not an order that is 18 immediately appealable to the Ninth
Circuit Court of Appeals. Any notice of appeal pursuant to Rule 19 4(a)(1), Federal Rules of
Appellate Procedure, should not be filed until entry of the District Court's 20 judgment. 21 22 IT
IS SO ORDERED. 23 Dated: April 1, 2025 /s/ Sheila K. Oberto .

24 UNITED STATES MAGISTRATE JUDGE

25 26 27 28