

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Griffin v. Doerer

Griffin · No. 1:25-cv-00015 JLT HBK (HC) · Decided May 22, 2025

OPINION

(HC) Griffin v. Doerer

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 RAYMOND ALAN GRIFFIN,) Case No.: 1:25-cv-00015 JLT HBK (HC)) 12 Petitioner,)

ORDER ADOPTING THE FINDINGS AND

) RECOMMENDATIONS, DISMISSING

13 v.) PETITION FOR WRIT OF HABEAS CORPUS,

) AND DIRECTING CLERK OF COURT TO

14 DOERER, et al.,) CLOSE CASE) 15 Respondent.) (Doc. 18)) 16 17 Raymond Alan Griffin,

a federal prisoner proceeding pro se with a petition for writ of 18 habeas corpus pursuant to 28

U.S.C. § 2241, asserts that he is actually innocent of his “career 19 offender classification.” (See

Doc. 1 at 2.) The magistrate judge conducted a preliminary review 20 and found Petitioner failed

to state a cognizable habeas claim. (Doc. 11.) Although the Court 21 granted leave to amend,

Petitioner did not file an amended petition. 22 The magistrate judge found Petitioner failed to

prosecute the action and failed to comply 23 with the Court’s order. (Doc. 18.) The magistrate

judge found terminating sanctions are 24 appropriate after considering the factors identified by the

Ninth Circuit in Applied Underwriters 25 v. Lichtenegger, 913 F.3d 884, 889 (9th Cir. 2019). (Id.

at 2-4.) Therefore, the magistrate judge 26 recommended the Court dismiss the petition without

prejudice. (Id. at 4.) 27 The Court served the Findings and Recommendations on Petitioner and

notified him that 28 any objections were due within 14 days. (Doc. 18 at 4.) The Court advised

him that the “failure enn ne nen on on nn in nn en nnn OI I IED 1 | to file any objections within

the specified time may result in the waiver of certain rights on 2 | appeal.” (Cd. at 5, citing

Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014).) Petitioner 3 | did not file objections,

and the time to do so has passed. 4 According to 28 U.S.C. § 636(b)(1), this Court performed a de

novo review of this case. 5 | Having carefully reviewed the matter, the Court concludes the

Findings and Recommendations 6 || are supported by the record and proper analysis. Thus, the

Court ORDERS: 7 1. The Findings and Recommendations issued on April 22, 2025 (Doc. 18) are

8 ADOPTED in full. 9 2. The petition for writ of habeas corpus (Doc. 1) is DISMISSED without

prejudice. 10 3. The Clerk of Court is directed to close the case. 11 4. In the event a notice of appeal is filed, no certificate of appealability is ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ 12 B IT IS SO ORDERED. 14]

Dated: _May 22, 2025 Cerin | Tower

TED STATES DISTRICT JUDGE

15 16 17 18 19 20 21 22 23 24 25 26 1 A certificate of appealability will not be required because this is an order dismissing a petition for writ of 7 habeas corpus pursuant to 28 U.S.C. § 2241, not a final order in a habeas proceeding in which the detention complained of arises out of process issued by a state court. Forde v. U.S. Parole Commission, 114 F.3d 878 (9th Cir. 1997); see Ojo v. INS, 106 F.3d 680, 681-682 (Sth Cir. 1997); Bradshaw v. Story, 28 | 86 F.3d 164, 166 (10th Cir. 1996).