

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Robinson v. Warden, FCI-Mendota

Robinson · No. 1:22-cv-01369-JLT-CDB (HC) · Decided March 10, 2023

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Jacinto Taron Robinson’s petition for a writ of habeas corpus with prejudice. The court deemed Robinson’s objections timely, conducted de novo review, and directed the Clerk of Court to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 10, 2023
DOCKET	1:22-cv-01369-JLT-CDB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations recommending dismissal of a federal habeas petition. After considering the petitioner's objections, the district court adopted the findings and recommendations in full and dismissed the petition with prejudice.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C)
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Jacinto Taron Robinson v. Warden, FCI-Mendota

TOPICS

- federal habeas corpus
- actual innocence
- post-conviction relief

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief

QUESTIONS PRESENTED

1. Whether the petitioner's objections required rejection or modification of the magistrate judge's findings and recommendations.
2. Whether the magistrate judge's recommendation to dismiss the federal habeas petition should be adopted following de novo review.

HOLDINGS

1. After conducting de novo review under 28 U.S.C. § 636(b)(1)(C), the court found the findings and recommendations supported by the record and proper analysis and adopted them in full.
2. The petition for a writ of habeas corpus was dismissed with prejudice.

KEY QUOTATIONS

“Having carefully reviewed the entire file, the Court concludes the findings and recommendations are supported by the record and by proper analysis.” (at 2)

FACTUAL BACKGROUND

Petitioner sought federal habeas relief and asserted claims involving actual innocence and the absence of an unobstructed procedural opportunity to raise his claims. The magistrate judge recommended dismissal. Petitioner filed objections after receiving an extension, but the objections generally restated his claims without addressing the magistrate judge's analysis.

PROCEDURAL HISTORY

The assigned magistrate judge issued findings and recommendations on January 24, 2023, recommending dismissal of the petition. The court granted petitioner a fourteen-day extension to object; although the objections were filed on March 6, 2023, the court deemed them timely because they were dated February 28, 2023. Following de novo review under 28 U.S.C. § 636(b)(1)(C), the district court adopted the findings and recommendations and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

(HC)Robinson v. Warden

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 JACINTO TARON ROBINSON, Case No. 1:22-cv-01369-JLT-CDB (HC) 12 Petitioner,
ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS AND DISMISSING

13 v. THE PETITION FOR WRIT OF HABEAS

CORPUS WITH PREJUDICE

14 WARDEN, FCI-MENDOTA,

(Doc. 5) 15 Respondent. 16 17 The assigned magistrate judge issued findings and
recommendations to dismiss 18 Petitioner's petition. The Court served the findings and
recommendations on Petitioner and gave 19 him 21 days to file objections thereto. The findings
and recommendations advised that failure to 20 file objections within the specified time may result
in the waiver of rights on appeal. *Wilkerson v. 21 Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)
(citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th
22 Cir. 1991)).

23 On February 9, 2023, the Court granted Petitioner's motion for a 14-day extension of time 24 to
file objections. (Docs. 6, 7). The last day on which Petitioner could file objections to the 25
magistrate judge's findings and recommendations, if any, was February 28, 2023. (Doc. 7). On
26 March 6, 2023, the Clerk of Court received and filed Petitioner's objections. (Doc. 8). Because
27 those objections were dated February 28, 2023, the Court deems them timely. In his objections,
Petitioner generally restates his claims to "actual innocence" and having no "unobstructed 1 |
procedural shot" to raising his claims, but otherwise fails to address the magistrate judge's 2 |
findings and recommendations. According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted 3
| *de novo* review of this case. Having carefully reviewed the entire file, the Court concludes the 4
| findings and recommendations are supported by the record and by proper analysis. Based upon 5
| the foregoing, the Court ORDERS: 6 1. The findings and recommendations issued on January 24,
2023 (Doc. 5) are 7 ADOPTED IN FULL. 8 2. The Clerk of Court be directed to close this case. 9
190 | IT IS SO ORDERED. 11 | Dated: _ March 10, 2023 Charis [Tourn

D TED STATES DISTRICT JUDGE

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