

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Morris v. Sierra County Clerks Office and Megans Law List

Morris · No. 2:24-cv-1905-JDP (P) · Decided March 4, 2025

OPINION

(HC) Morris v. Sierra County Clerks Office

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 BRUCE WAYNE MORRIS, Case No. 2:24-cv-1905-JDP (P) 12 Petitioner,

13 v. FINDINGS AND RECOMMENDATIONS

14 SIERRA COUNTY CLERKS OFFICE

AND MEGANS LAW LIST,

15 Respondents. 16

17 18 Petitioner, an inmate at the California Health Care Facility, brings this action under 19
section 2254. ECF Nos. 11 & 12. I dismissed the first petition filed in this case after finding that
20 it was vague, unexhausted, and time-barred. ECF No. 10. I gave petitioner leave to amend, 21
however, and he has filed a response to my order, ECF No. 11, and a new petition that is largely
22 blank, ECF No. 12. I now recommend that this action be dismissed. 23 The petition is before
me for preliminary review under Rule 4 of the Rules Governing

24 Section 2254 Cases. Under Rule 4, the judge assigned to the habeas proceeding must examine
25 the habeas petition and order a response to the petition unless it “plainly appears” that the 26
petitioner is not entitled to relief. See Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019);
27 Boyd v. Thompson, 147 F.3d 1124, 1127 (9th Cir. 1998). 28 1 In his response to my order,
petitioner acknowledges that his claims remain pending in 2 || state court. ECF No. 11 at 1.
Accordingly, this action should be dismissed without prejudice so 3 | that petitioner may, if he
chooses, bring his claims in a new habeas petition once he has exhausted 4 || them completely in
state court. Such exhaustion requires that he present them to the California 5 || Supreme Court and
receive a decision. 6 Accordingly, it is hereby ORDERED that the Clerk of Court shall assign a
district judge 7 || to this action. 8 Further, it is RECOMMENDED that the petition, ECF No. 12,
be DISMISSED as 9 || unexhausted. 10 These findings and recommendations are submitted to the
United States District Judge 11 || assigned to the case, pursuant to the provisions of 28 U.S.C. §
636(b)(). Within fourteen days 12 || after being served with these findings and recommendations,
any party may file written 13 || objections with the court and serve a copy on all parties. Such a

document should be captioned 14 | “Objections to Magistrate Judge’s Findings and
Recommendations.” Any response to the 15 || objections shall be served and filed within fourteen
days after service of the objections. The 16 | parties are advised that failure to file objections
within the specified time may waive the right to 17 || appeal the District Court’s order. Turner v.
Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez 18 | v. Ylst, 951 F.2d 1153 (9th Cir. 1991).
19 20 IT IS SO ORDERED. 21 (q Sty - Dated: _ March 3, 2025 a———
22 JEREMY D. PETERSON
54 UNITED STATES MAGISTRATE JUDGE
24 25 26 27 28