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

JOHN D. SVELUND,  
Petitioner, No. 2:09-cv-3259 JFM (HC)

vs.

D.K. SISTO, Warden, et al., ORDER AND  
Respondents. FINDINGS & RECOMMENDATIONS

\_\_\_\_\_ /

By order filed January 15, 2010, the undersigned found that petitioner’s petition for writ of habeas corpus challenged his conditions of confinement rather than the fact of confinement. Based thereon, the petition was dismissed and petitioner was granted thirty days leave to file an amended complaint. The thirty day period has now expired, and petitioner has not filed an amended complaint or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY ORDERED that a district judge be assigned to this case and

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen

1 days after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. Such a document should be captioned  
3 “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised  
4 that failure to file objections within the specified time may waive the right to appeal the District  
5 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: March 3, 2010.

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9 UNITED STATES MAGISTRATE JUDGE

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