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

WILLIAM VEAVER,

Petitioner,

No. CIV-S-10-2994 JFM (TEMP) P

vs.

BUTTE COUNTY DISTRICT
ATTORNEY'S OFFICE,

Respondent.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus under 28 U.S.C. § 2254. On February 4, 2011, respondent filed a motion to dismiss. On, June 6, 2011, petitioner was ordered to file an opposition or a statement of non-opposition to the pending motion within thirty days. In the same order, petitioner was informed that failure to file an opposition would result in a recommendation that this action be dismissed pursuant to Fed. R. Civ. P. 41(b). The thirty day period has now expired and petitioner has not responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case; and

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1 IT IS HEREBY RECOMMENDED that this action be dismissed pursuant to
2 Federal Rule of Civil Procedure 41(b).

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
5 days after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
8 objections shall be filed and served within seven days after service of the objections. The parties
9 are advised that failure to file objections within the specified time may waive the right to appeal
10 the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: July 28, 2011.

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14 UNITED STATES MAGISTRATE JUDGE

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