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

MICHAEL R. OPLAND,

Petitioner,

No. CIV S-11-0767 DAD P

vs.

RICHARD B. IVES,

Respondent.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

On July 26, 2011, the court dismissed petitioner’s application for a writ of habeas corpus and granted him thirty days leave to file an amended petition. On August 24, 2011, the court granted petitioner a thirty-day extension of time to file an amended petition. The thirty-day period has now expired, and petitioner has not filed an amended petition or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a United States District Judge to this action.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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 twenty-

1 one 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." Any reply to the objections
4 shall be served and filed within seven days after service of the objections. The parties are
5 advised that failure to file objections within the specified time may waive the right to appeal the
6 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 DATED: October 7, 2011.

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10 _____
11 DALE A. DROZD
12 UNITED STATES MAGISTRATE JUDGE

10 DAD:9
11 opl0767.fta