

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

JAMES P. CROSS,

Petitioner,

No. 11-cv-1665 CKD P

vs.

UNKNOWN,

Respondent.

ORDER AND  
FINDINGS & RECOMMENDATIONS

\_\_\_\_\_/

By order filed June 29, 2011, petitioner was granted thirty days leave to file a petition that complied with the requirements of the Rules Governing Section 2254 Cases, the Federal Rules of Civil Procedure, and the Local Rules of Practice, along with an application to proceed in forma pauperis. (Doc. No. 4.) The thirty day period has now expired, and petitioner has not filed a petition or otherwise responded to the court's order.

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

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, petitioner may file written  
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
3 Findings and Recommendations." Any response to the objections shall be filed and served  
4 within fourteen days after service of the objections. Petitioner is advised that failure to file  
5 objections within the specified time may waive the right to appeal the District Court's order.  
6 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7  
8  
9 Dated: August 8, 2011

  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

10  
11  
12  
13 <sup>2</sup>  
cros1665.Fta