UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY JONES, Petitioner, v. WARDEN, KERN VALLEY STATE PRISON, Respondent.	No. 2:14-cv-0486 JAM GGH P ORDER AND FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se with an amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

By order of November 3, 3012, petitioner was directed to file the pages missing from his amended petition (ECF No. 15) within twenty-one days. Petitioner has not responded to that order. Since the missing pages pertain to Ground Four of the amended petition, that claim will be dismissed on findings and recommendations and the amended petition will proceed with Claims One through Three only.

Since petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to Claims One through Three only of petitioner's amended petition.

Accordingly, IT IS HEREBY RECOMMENDED that: Claim Four of the amended petition be dismissed with prejudice.

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

IT IS ORDERED that:

1. Respondent is directed to file a response to petitioner's amended habeas petition within sixty days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be accompanied by all transcripts and other documents relevant to the issues presented in the petition. See Rule 5, 28 U.S.C. foll. § 2254;

2. If the response to the amended habeas petition is an answer, petitioner's reply, if any, shall be filed and served within thirty days after service of the answer;

3. If the response to the amended habeas petition is a motion, petitioner's opposition or statement of non-opposition to the motion shall be filed and served within thirty days after service of the motion, and respondent's reply, if any, shall be filed and served within fourteen days thereafter; and

4. The Clerk of the Court shall serve a copy of this order, the form Consent to Proceed Before a United States Magistrate Judge, and a copy of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell, Senior Assistant Attorney General.

Dated: January 15, 2015

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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