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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL SARMIENTO,
Petitioner,
v.
RONALD RACKLEY,
Respondent.

No. 2:15-cv-0364 KJM CKD P

FINDINGS AND RECOMMENDATIONS

By order filed January 7, 2016, the petition in this action was dismissed for lack of habeas corpus jurisdiction. Petitioner was granted thirty days to submit an amended complaint pursuant to 42 U.S.C. § 1983, along with the balance of the filing fee or an application to proceed in forma pauperis. Petitioner was advised that failure to file an amended complaint would result in the dismissal of this action. More than six months have passed, and petitioner has not responded to the court’s order.

Accordingly, 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 days after being served with these findings and recommendations, petitioner may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s

1 Findings and Recommendations.” Petitioner is advised that failure to file objections within the
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
3 F.2d 1153 (9th Cir. 1991).

4 Dated: July 29, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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