UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD ORVILLE SCHULTZ,	No. 2:15-cv-796-GEB-EFB P
Petitioner,	
v.	FINDINGS AND RECOMMENDATIONS
BRIAN DUFFY,	
Respondent.	

Mr. Schultz, a state prisoner without counsel, filed a 340-page "motion to protect petitioner against tolling until state remedies are exhausted" on April 13, 2015. On April 17, 2015, the court notified Mr. Schultz that he had not properly commenced a habeas action because he had not filed a petition as required by Rule 3 of the Rules Governing § 2254 Cases. ECF No. 5. The court granted Mr. Schultz 30 days within which to file a petition. *Id*. On June 6, 2015, the court granted Mr. Schultz an additional 30 days in which to file either a petition for writ of habeas corpus or a civil rights complaint. ECF No. 11. That order warned him that failure to comply would result in this action being dismissed.

The time period for acting has passed and Mr. Schultz has not filed a petition, a civil rights complaint or otherwise responded to that order.

/////

/////

1

1 Accordingly, it is hereby RECOMMENDED that this action be dismissed. *See* Fed. R.

2 Civ. P. 41(b); E.D. Cal. L.R. 110.

3 These findings and recommendations are submitted to the United States District Judge

4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days

5 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." Failure to file objections

8 within the specified time may waive the right to appeal the District Court's order. *Turner v.*

9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 DATED: July 14, 2015.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE