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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY A. CHANDLER,  
Petitioner,  
v.  
UNKNOWN,  
Respondent.

No. 2:15-cv-1653 GGH P

FINDINGS AND RECOMMENDATIONS

Petitioner is a state prisoner proceeding pro se. His initial filing was a document styled motion for extension of time, seeking an extension of time to file a petition for writ of habeas corpus. No other pleadings have been filed by the petitioner. By order of September 21, 2015, petitioner was advised that in order to commence an action, he must file a petition for writ of habeas corpus as required by Rule 3 of the Rules Governing Section 2254 cases, and either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). The order warned petitioner that the court would not issue any orders granting or denying relief until an action has been properly commenced. Accordingly, it denied petitioner’s motion. See McDade v. Warden, 2010 WL 4795377 (C.D. Cal. 2010); Soto v. Warden, 2009 WL 1705471 (C.D. Cal. 2009). Petitioner was granted thirty days leave to file his petition, and to submit an application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee. Petitioner was warned that failure to comply with that order

1 would result in a recommendation that this action be dismissed.

2 The thirty day period has now expired, and petitioner has failed to file a petition, and an  
3 application to proceed in forma pauperis or the filing fee, or otherwise responded to the court's  
4 order.

5 In accordance with the above, IT IS HEREBY RECOMMENDED that: this action be  
6 dismissed.

7 These findings and recommendations are submitted to the United States District Judge  
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
9 after being served with these findings and recommendations, petitioner may file written  
10 objections with the court and serve a copy on all parties. Such a document should be captioned  
11 "Objections to Magistrate Judge's Findings and Recommendations." Petitioner is advised that  
12 failure to file objections within the specified time may waive the right to appeal the District  
13 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 Dated: November 4, 2015

15 /s/ Gregory G. Hollows

16 UNITED STATES MAGISTRATE JUDGE

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