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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL ARMENDARIZ-RASCON,
Petitioner,
v.
WARDEN,
Respondent.

No. 2:23-cv-00576-DJC-JDP (HC)

ORDER

Petitioner, a federal prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 8, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

Although it appears from the file that Petitioner's copy of the findings and recommendations was returned, Petitioner was properly served. It is the Petitioner's responsibility to keep the court apprised of his current address at all times. Pursuant

1 to Local Rule 182(f), service of documents at the record address of the party is fully
2 effective.

3 The Court has reviewed the file and finds the findings and recommendations to
4 be supported by the record and by the magistrate judge's analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The findings and recommendations filed November 8, 2023, are adopted in
7 full;

8 2. This action is dismissed without prejudice for failure to prosecute and failure
9 to comply with court orders, for the reasons set forth in the October 4, 2023 order;

10 3. Respondent's motion to dismiss, ECF No. 9, is denied as moot;

11 4. The Clerk of Court is directed to close the case; and

12 5. The Court declines to issue the certificate of appealability referenced in 28
13 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a
14 constitutional right, *see* 28 U.S.C. § 2253(c)(2).

15
16 IT IS SO ORDERED.

17 Dated: December 1, 2023


18 Hon. Daniel J. Calabretta
19 UNITED STATES DISTRICT JUDGE

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