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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARL NEWTON MORGAN,

1:10-CV-00408 OWW SMS HC

Petitioner,

FINDINGS AND RECOMMENDATION

v.

JAMES HARTLEY, Warden,

Respondent.

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

Petitioner filed the instant petition for writ of habeas corpus on March 8, 2010. He challenges the outcome of a parole suitability hearing held on September 4, 2008. On July 6, 2010, Respondent filed a motion to dismiss on the grounds that the allegations are too vague and conclusory to state a claim and establish standing. On August 24, 2010, the Court dismissed the petition and granted Petitioner leave to file an amended petition within thirty (30) days of the date of service of the Order. Over thirty (30) days have passed and Petitioner has not filed an amended petition. Petitioner was forewarned that failure to do so would result in a recommendation that the petition be dismissed and the case be terminated.

1 RECOMMENDATION

2 Accordingly, IT IS HEREBY RECOMMENDED that the petition be DISMISSED with
3 prejudice.

4 This Findings and Recommendation is submitted to the Honorable Oliver W. Wanger,
5 United States District Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and
6 Rule 304 of the Local Rules of Practice for the United States District Court, Eastern District of
7 California. Within thirty (30) days after service of the Findings and Recommendation, any party
8 may file written objections with the court and serve a copy on all parties. Such a document
9 should be captioned “Objections to Magistrate Judge’s Findings and Recommendation.” Replies
10 to the objections shall be served and filed within fourteen (14) days after service of the
11 objections. The Court will then review the Magistrate Judge’s ruling pursuant to 28 U.S.C. §
12 636 (b)(1)(C). The parties are advised that failure to file objections within the specified time
13 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
14 Cir. 1991).

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17 IT IS SO ORDERED.

18 **Dated:** October 6, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE