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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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RICHARD LORD,	Case No. 1:15-cv-01437-AWI-SKO HC
Petitioner,	
v.	FINDINGS AND RECOMMENDATIONS RECOMMENDING THAT THE COURT DISMISS PETITION FOR FAILURE TO PROSECUTE
JERRY BROWN, Governor of State of California,	
Respondent.	(Doc. 12)

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Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus

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pursuant to 28 U.S.C. § 2254. On September 28, 2015, the Court screened the petition in accordance

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with Rule 4 of the Rules Governing § 2254 Cases and dismissed the petition with leave to amend

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within thirty days. The order provided that if Petitioner failed to file an amended petition within 30

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days, the action would be dismissed for lack of jurisdiction. Petitioner has not filed an amended

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petition.

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Conclusion and Recommendation

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Accordingly, the undersigned hereby RECOMMENDS that the Court dismiss the petition for

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failure to prosecute this action.

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These Findings and Recommendations will be submitted to the United States District Judge

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assigned to the case, pursuant to the provisions of 28 U.S.C § 636(b)(1). Within **thirty (30) days**

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after being served with these Findings and Recommendations, Petitioner may file written objections

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with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Petitioner is advised that failure to file objections within the specified time may constitute waiver of the right to appeal the District Court's order. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 ((9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). In lieu of filing objections, Petitioner may file the amended petition within thirty days, and the undersigned will withdraw these findings and recommendations.

IT IS SO ORDERED.

Dated: **November 10, 2015**   **/s/ Sheila K. Oberto**
                                   UNITED STATES MAGISTRATE JUDGE

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