

1 **UNITED STATES DISTRICT COURT**
2 **EASTERN DISTRICT OF CALIFORNIA**

3
4 **CARLOS GARCIA SANCHEZ,**

5 **Petitioner,**

6 **v.**

7 **S. FRAUENHEIM,**

8 **Respondent.**

Case No. 1:15-cv-01756-DAD-SKO HC

**ORDER WITHDRAWING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DISMISSAL OF THE PETITION FOR
FAILURE TO PROSECUTE**

(Doc. 9)

9
10 Petitioner, Carlos Garcia Sanchez, is a state prisoner proceeding *pro se* with a petition for
11 writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court referred the matter to the
12 undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

13 On December 30, 2015, the undersigned issued findings and recommendation in which she
14 recommended that the Court dismiss the petition to permit Petitioner to address the lack of
15 organization of his petition and to present more detailed and specific claims. Doc. 7. On March 8,
16 2018, the Court adopted the findings and recommendations, and dismissed the petition with leave to
17 amend within 30 days. Doc. 8. Petitioner did not file an amended petition within 30 days. As a
18 result, on April 19, 2016, the undersigned recommended that the Court dismiss the petition for
19 failure to prosecute. Doc. 9. The findings and recommendations provided that the undersigned
20 would withdraw the recommendation if Petitioner filed an amended petition within 30 days.
21 Petitioner did so, filing an amended petition on May 12, 2016. Doc. 10.

22 Accordingly, the undersigned hereby WITHDRAWS the findings and recommendations filed
23 April 19, 2016.

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25 **IT IS SO ORDERED.**

26 Dated: **May 16, 2016**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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