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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHNNY LEE BRIGGS,  
Petitioner,  
v.  
D. BAUGHMAN, Warden, et al.,  
Respondents.

No. 1:17-cv-01497-LJO-JLT (HC)  
**FINDINGS AND RECOMMENDATION  
TO DISMISS ACTION**  
**[10-DAY DEADLINE]**

On November 9, 2017, the Court issued an order dismissing the petition for failure to present any cognizable grounds for relief. The Court granted Petitioner leave to file a First Amended Petition. The allotted thirty days passed and he failed to do so. Petitioner was forewarned that failure to comply would result in dismissal of the action.

Accordingly, the Court hereby RECOMMENDS that the petition be DISMISSED for failure to state a claim.

This Findings and Recommendation is submitted to the United States District Court Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court, Eastern District of California. Within ten days after being served with a copy of this Findings and Recommendation, Petitioner may file written objections with the Court. Such a document should be captioned “Objections to

1 Magistrate Judge’s Findings and Recommendation.” The Court will then review the Magistrate  
2 Judge’s ruling pursuant to 28 U.S.C. § 636 (b)(1)(C). Petitioner is advised that failure to file  
3 objections within the specified time may waive the right to appeal the Order of the District Court.  
4 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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6 IT IS SO ORDERED.

7 Dated: December 19, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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