UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KAREEM BROWN, Petitioner, v. WARREN MONTGOMERY, Respondent.	Case No. 1:17-cv-01584-LJO- EPG-HC ORDER ADOPTING FINDINGS AND RECOMMENDATION (ECF No. 8) ORDER DIRECTING PETITIONER TO NOTIFY COURT WHETHER TO CONVERT PETITION FOR WRIT OF HABEAS CORPUS TO CIVIL RIGHTS ACTION UNDER 42 U.S.C. § 1983

Petitioner is proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 2, 2018, the Magistrate Judge issued Findings and Recommendation to convert Petitioner's habeas petition to a civil rights action under 42 U.S.C. § 1983. (ECF No. 8). This Findings and Recommendation was served on Petitioner and contained notice that any objections were to be filed within twenty (20) days of the date of service of that order. To date, Petitioner has filed no objections, and the time for doing so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of the matter. Having carefully reviewed the entire file, the Court concludes that the Findings and Recommendation is supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation issued on February 2, 2018 (ECF No. 9) is ADOPTED.

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2. Within **TWENTY-ONE (21) days** from the date of service of this order, Petitioner shall notify the Court whether he would like to convert his habeas petition to a § 1983 civil rights action, which would require Petitioner to pay the full $350 filing fee by way of deductions from income to Petitioner's trust account.

3. If Petitioner fails to notify the Court, the instant habeas action will be dismissed without prejudice to Petitioner refiling his claims in a § 1983 action.

IT IS SO ORDERED.

Dated: __**March 12, 2018**__ 　　　　　__/s/ Lawrence J. O'Neill__
　　　　　　　　　　　　　　　　UNITED STATES CHIEF DISTRICT JUDGE