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

CHRIS LAVALE WASHINGTON,  
  
                    Petitioner,  
  
          v.  
  
C. PFEIFFER, Warden,  
  
                    Respondent.

Case No. 1:18-cv-00368-DAD-SKO (HC)  
  
**FINDINGS AND RECOMMENDATION**

On March 11, 2019, Petitioner filed a first amended petition for writ of habeas corpus in this Court. Review of the petition revealed that Petitioner had failed to sign the petition under penalty of perjury. On March 15, 2019, the Court dismissed the petition and granted Petitioner thirty (30) days to file a second amended petition signed under penalty of perjury. Petitioner was advised that failure to do so would result in a recommendation that the action be dismissed. Over thirty (30) days have passed and Petitioner has failed to file a second amended petition in compliance with the Court’s order.

**DISCUSSION**

A petition for writ of habeas corpus must "be signed under penalty of perjury by the petitioner or by a person authorized to sign if for the petition under 28 U.S.C. § 2242." Rule 2(c)(5) of the Rules Governing 2254 Cases. Although Petitioner signed the proof of service, Petitioner failed to sign the petition itself. As a result, the Court must dismiss the petition. Petitioner was provided an opportunity

1 to file a second amended petition but he has failed to do so.

2 **RECOMMENDATION**

3 Accordingly, the Court HEREBY RECOMMENDS that this action be DISMISSED.

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

13  
14 IT IS SO ORDERED.

15 Dated: April 29, 2019

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE