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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHERMAN CUMMINGS,

Petitioner,

No. CIV S-07-2738 WBS EFB P

vs.

SACRAMENTO DISTRICT COURT,

FINDINGS AND RECOMMENDATIONS

Respondent.

_____ /
Petitioner has filed a petition for writ of habeas corpus. *See* 28 U.S.C. § 2254. On October 22, 2008, the court dismissed the petition with leave to file an amended petition within thirty days. That order warned petitioner that failure to timely file an amended petition would result in a recommendation that this action be dismissed.

The thirty days have passed and petitioner has not filed an amended petition or otherwise responded to that order.¹

Accordingly, it is hereby RECOMMENDED that this action be dismissed. *See* Fed. R. Civ. P. 41(b); Rule 11 of the Rules Governing Section 2254 Cases; L. R. 11-110.

¹ Although it appears from the file that petitioner’s copy of the order was returned, petitioner was properly served. It is the petitioner’s responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 83-182(f), service of documents at the record address of the party is fully effective.

