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

CLAUDE LEE OWENS, JR.

Petitioner,

No. CIV S-08-1290 FCD EFB P

vs.

M.C. KRAMER, et al.,

Respondents.

FINDINGS AND RECOMMENDATIONS

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Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254.

On March 16, 2010, respondents moved to dismiss the petition on the grounds that it is barred by the statute of limitations and that it is unexhausted. On January 22, 2010, the court informed petitioner of the requirements for filing an opposition to any motion to dismiss. On June 30, 2010, the court again admonished petitioner of his obligation to file an opposition or statement of no opposition. That order gave petitioner an additional 30 days to file an opposition or statement of non-opposition and warned him that failure to do so would result in a recommendation that this action be dismissed.

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1 The 30 days have passed and petitioner has not filed an opposition or a statement of no
2 opposition nor otherwise responded to the June 30, 2010 order.

3 Accordingly, it is RECOMMENDED that this action be dismissed without prejudice.
4 Fed. R. Civ. P. 41(b); Rule 12, Rules Governing § 2254 Cases.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
10 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: August 26, 2010.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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