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

WILLIE HOLLOWAY,

Plaintiff,

No. CIV 09-1088 MCE KJM P

vs.

D.K. SISTO,

Defendants.

FINDINGS & RECOMMENDATIONS

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Petitioner is a state prison inmate proceeding pro se with a petition for a writ of habeas corpus challenging a denial of parole. On August 20, 2009, an inmate purporting to act on petitioner's behalf filed a motion to dismiss, claiming that petitioner had been paroled. On October 1, 2009, this court directed petitioner to inform the court whether he wished to proceed with this action and warned him that failure to respond would result in a recommendation that the action be dismissed. He has not responded to the order.

IT IS HEREBY RECOMMENDED that petitioner's request (docket no. 8) be granted and that this action be dismissed without prejudice. Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written

1 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
2 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
3 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
4 F.2d 1153 (9th Cir. 1991).

5 DATED: November 19, 2009.

  
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U.S. MAGISTRATE JUDGE

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