IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE POWELL,

Petitioner, No. 2:09-cv-1330-GEB-JFM (HC)

vs.

STATE ATTORNEY GENERAL'S OFFICE, et al.,

Respondent. FINDINGS & RECOMMENDATIONS

_____/

By order filed July 10, 2009, petitioner's application was dismissed and thirty days' leave to file an amended application was granted. The thirty day period has now expired, and petitioner has not filed an amended application or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; 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)(l). Within twenty days after being served with these findings and recommendations, petitioner may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Petitioner is advised that failure to file objections within the

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specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: September 1, 2009.

UNITED STATES MAGISTRATE JUDGE

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