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

CLARENCE RANDLE,

Petitioner,

No. CIV S-09-1386 JAM EFB P

vs.

BOARD OF PRISON TERMS, et al.,

Respondents.

FINDINGS AND RECOMMENDATIONS

_____ /

Petitioner is a county prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 28, 2011, the assigned district judge adopted this court's February 14, 2011 findings and recommendations. That order dismissed with prejudice petitioner's claims that respondents have violated the Ninth Amendment, California state law and biblical law. The order further dismissed the remainder of petitioner's claims with leave to amend. Petitioner was granted thirty days in which to file a second amended petition clarifying which act or acts petitioner wishes to challenge and the date or dates of such act or acts and stating his claims completely without reference to supplemental briefing.

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1 The 30-day period has expired and petitioner has not filed an amended petition or
2 otherwise responded to the court's order.¹

3 Accordingly, it is hereby RECOMMENDED that this action be dismissed.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, any party may file written
7 objections with the court and serve a copy on all parties. Such a document should be captioned
8 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
9 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
10 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). In
11 his objections petitioner may address whether a certificate of appealability should issue in the
12 event he files an appeal of the judgment in this case. *See* Rule 11, Federal Rules Governing
13 Section 2254 Cases (the district court must issue or deny a certificate of appealability when it
14 enters a final order adverse to the applicant).

15 Dated: May 24, 2011.

16 
17 EDMUND F. BRENNAN
18 UNITED STATES MAGISTRATE JUDGE
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24 _____
25 ¹ Although it appears from the file that petitioner's copy of the order was returned,
26 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 182(f), service of documents at the
record address of the party is fully effective.