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

RUSSELL D. BURGESS,

Petitioner,

No. CIV S-09-2632 JAM EFB P

vs.

MIKE KNOWLES

Respondent.

FINDINGS AND RECOMMENDATIONS

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Petitioner, a prisoner without counsel, has filed a petition for a writ of habeas corpus. *See* 28 U.S.C. § 2254. On June 22, 2010, the court ordered petitioner to demonstrate within 30 days that his petition was not second or successive or that the appellate court has authorized this court to consider the petition. The court warned petitioner that failure to comply with the order would result in a recommendation that this action be dismissed.

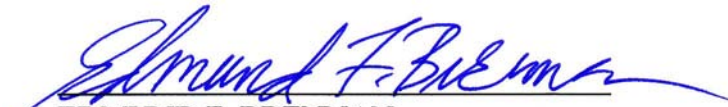
The 30-day period has expired and petitioner has not filed the required documents or otherwise responded to the court’s order.

Accordingly, it is hereby RECOMMENDED that his petition be dismissed on the grounds that petitioner has, without authorization, filed a second or successive petition.

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 fourteen days

1 after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. Such a document should be captioned  
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
4 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
5 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: August 11, 2010.

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8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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