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

MICHAEL HAYES,

Petitioner,

No. CIV S-09-3365 GEB GGH P

vs.

DERRAL G. ADAMS,

Respondent.

FINDINGS & RECOMMENDATIONS

_____/

By an order filed July 20, 2010, the petition for habeas corpus was dismissed with leave to file a civil rights action within twenty-eight days. The twenty-eight day period has now expired, and petitioner has not responded to the court’s order and has not filed a civil rights action. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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 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.” Any response to the objections shall be filed and served within fourteen days after service of the objections. Petitioner is advised that failure to file

1 objections within the specified time may waive the right to appeal the District Court's order.

2 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: September 17, 2010

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/s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

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