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

CHARLIE CHONG THAO,

Petitioner,

No. CIV S-09-3572 WBS DAD

vs.

SWARTHOUT, Warden,

Respondent.

FINDINGS & RECOMMENDATIONS

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On October 6, 2010, the court dismissed petitioner’s application for a writ of habeas corpus and granted him thirty days leave to file an amended petition. On November 5, 2010, the court granted petitioner an additional thirty days to file an amended petition. The thirty day period has now expired, and petitioner has not filed an amended petition or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 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)(1). Within twenty-one 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

1 Findings and Recommendations.” Petitioner is advised that failure to file objections within the  
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951  
3 F.2d 1153 (9th Cir. 1991).

4 DATED: November 23, 2010.

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8 DALE A. DROZD  
9 UNITED STATES MAGISTRATE JUDGE

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