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

MATTHEW ROBERT SMITH,

Petitioner,

No. CIV S-10-0070 DAD P

vs.

PEOPLE OF CALIFORNIA, et al.,

Respondents.

FINDINGS AND RECOMMENDATIONS

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By order filed March 11, 2010, plaintiff’s original petition for a writ of habeas corpus was dismissed and thirty days leave to file an amended petition was granted. The thirty day period has now expired, and petitioner has not filed an amended petition for writ of habeas corpus or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a United States District Judge to this action.

Also, 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

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

4 DATED: April 21, 2010.

5 DAD:sj  
6 smit0070.fta.hc

  
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7 DALE A. DROZD  
8 UNITED STATES MAGISTRATE JUDGE  
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