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

RHONDA LEWIS,

Petitioner,

No. CIV S-10-0110 EFB P

vs.

PEOPLE OF THE STATE OF  
CALIFORNIA,

ORDER AND  
FINDINGS AND RECOMMENDATIONS

Respondent.

On January 14, 2010, petitioner filed a petition for writ of habeas corpus. *See* 28 U.S.C. § 2254. On July 26, 2010, the court dismissed the petition with leave to file an amended petition naming the proper respondent within thirty days. That order warned petitioner that failure to timely file an amended petition would result in a recommendation that this action be dismissed.

The thirty days have passed and petitioner has not filed an amended petition or otherwise responded to that order.

Accordingly, it is hereby ORDERED that the Clerk randomly assign a United States District Judge to this case.

Further, it is RECOMMENDED that this action be dismissed. *See* Fed. R. Civ. P. 41(b); Rule 12, Rules Governing § 2254 Cases; L. R. 110.

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

12 Dated: September 30, 2010.

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14 EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
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