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

MARK EDWARD BENNETT,

Petitioner,

No. CIV S-10-0214 DAD P

vs.

KEN CLARK, et al.,

Respondents.

ORDER AND

FINDINGS & RECOMMENDATIONS

\_\_\_\_\_ /

By order filed August 4, 2010, petitioner was order to file within thirty days a habeas petition using the court’s form petition. The thirty day period has now expired, and plaintiff has not filed his habeas petition or otherwise responded to the court’s order.

Although it appears from the file that petitioner’s copy of the order was returned, petitioner was properly served. It is the petitioner’s responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign this case to a U.S. District Judge.

Also, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

1           These findings and recommendations are submitted to the United States District  
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-  
3 one days after being served with these findings and recommendations, petitioner may file written  
4 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
5 Findings and Recommendations." Petitioner is advised that failure to file objections within the  
6 specified time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d  
7 1153 (9th Cir. 1991).

8 DATED: September 13, 2010.

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11 \_\_\_\_\_  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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