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

10 RONALD WILSON PRATER,

11 Petitioner,

No. CIV S-10-1297 EFB P

12 vs.

13 SOLANO COUNTY JAIL,

14 Respondent.

ORDER AND
FINDINGS AND RECOMMENDATIONS

15 _____/
16 Petitioner is confined in a county jail and seeks a writ of habeas corpus. *See* 28 U.S.C. §
17 2254. On July 20, 2010, the court dismissed the original petition with leave to amend. The
18 dismissal order explained the petition's deficiencies, gave petitioner 30 days to file an amended
19 petition, and warned petitioner that failure to file an amended petition could result in dismissal.

20 The 30-day period has expired and petitioner has not filed an amended petition or
21 otherwise responded to the court's order.¹

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

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25 ¹ Although it appears from the file that petitioner's copy of the order was returned,
26 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.

1 Further, it is hereby RECOMMENDED that this action be dismissed.

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

13 Dated: September 22, 2010.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE
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