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

ALBERT PERRYMAN, JR.,

Petitioner,

No. CIV S-10-1706 EFB P

vs.

WARDEN OF FOLSOM STATE
PRISON,

Respondent.

ORDER AND
FINDINGS AND RECOMMENDATIONS

_____/

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. Petitioner has paid the filing fee.

On October 12, 2010, the undersigned ordered petitioner to show cause within thirty days why his claims should not be dismissed as not cognizable under § 2254, and warned petitioner that failure to comply with the order would result in a recommendation that the action be dismissed. The thirty days have passed, and petitioner has not responded to the order.¹

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¹ 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.

1 Accordingly, it is ORDERED that the Clerk of the court shall randomly assign a United
2 States District Judge to the case.

3 Further, it is RECOMMENDED that this action be dismissed.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, petitioner may file written
7 objections with the court and serve a copy on all parties. Such a document should be captioned
8 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
9 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
10 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: February 1, 2011.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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