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

MICHAEL GREENE,

Petitioner,

No. CIV S-10-2433 DAD P

vs.

J.W. HAVILAND,

Respondent.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By order filed September 21, 2010, petitioner was ordered to file an in forma pauperis affidavit or to pay the required filing fee. In addition, petitioner’s 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 in forma pauperis affidavit, paid the filing fee, filed an amended application or otherwise responded to the court’s order.

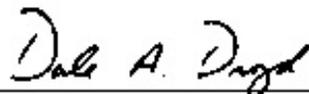
Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign this case to a District Judge.

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-

1 one days after being served with these findings and recommendations, petitioner may file written
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's
3 Findings and Recommendations." Petitioner is advised that failure to file objections within the
4 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
5 F.2d 1153 (9th Cir. 1991).

6 DATED: November 2, 2010.

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9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

10 DAD:4
11 gree2433.fifp.fta

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