UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD LATHAN, Petitioner, v. GARY SWARTHOUT, Respondent.	No. 2:11-cv-27-EFB P ORDER

Petitioner is a state prisoner proceeding in forma pauperis and without counsel seeking a writ of habeas corpus.[1] *See* 28 U.S.C. § 2254. On February 7, 2017, the court ordered petitioner to file a civil rights complaint pursuant to 42 U.S.C. § 1983 within 30 days or risk dismissal of this action for failure to prosecute. ECF No. 22. The time for acting has passed and petitioner has not filed a complaint or otherwise responded to the court's order.

Accordingly, it is hereby ORDERED that this action is dismissed without prejudice.

Dated: March 14, 2017.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

[1] This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to petitioner's consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(4).

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