

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

PHILLIP MORRIS,

Petitioner,

No. CIV S-11-2832 JAM GGH P

vs.

GARY SWARTHOUT, Warden,

Respondent.

FINDINGS & RECOMMENDATIONS

\_\_\_\_\_ /

By order filed February 21, 2012, petitioner was granted thirty days to amend claims 3 and 5 of his petition upon the adoption of findings and recommendations, also filed on February 21, 2012, recommending dismissal with prejudice of certain other claims. By order filed on April 10, 2012, the February 21, 2012, findings and recommendations were adopted and claims 1, 2, 4, 6, 7, 8 and 9 were dismissed with prejudice. Thereafter, petitioner had thirty days to amend claims 3 and 5 only and had been cautioned that failure to do so would result in a recommendation of dismissal of this action. The thirty-day period has now expired, and petitioner has not filed an amended application or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed.

See Local Rule 110; Fed. R. Civ. P. 41(b).

\\\\\\

