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

10 PHILLIP MORRIS,

Petitioner,

No. CIV S-11-2832 JAM GGH P

VS.

GARY SWARTHOUT, Warden,

14 Respondent.

FINDINGS & RECOMMENDATIONS

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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.

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

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1	These findings
2	Judge assigned to the case, pur
3	days after being served with th
4	objections with the court. The
5	Findings and Recommendation
6	within fourteen days after serv
7	objections within the specified
8	Martinez v. Ylst, 951 F.2d 11:
9	DATED: May 24, 2012
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and recommendations are submitted to the United States District rsuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen hese findings and recommendations, petitioner may file written e document should be captioned "Objections to Magistrate Judge's ns." Any response to the objections shall be filed and served vice of the objections. Petitioner is advised that failure to file d time may waive the right to appeal the District Court's order. 53 (9th Cir. 1991).

/s/ Gregory G. Hollows UNITED STATES MAGISTRATE JUDGE