

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

JOSHUA JAHUE NASH,

Petitioner,

No. 2:11-cv-3172 WBS KJN P

vs.

KERN VALLEY STATE PRISON,

Respondent.

FINDINGS AND RECOMMENDATIONS

_____ /


On December 12, 2011, this court notified petitioner that it had no authority to grant his request to hold a “filing date” for his anticipated petition for writ of habeas corpus. (See Dkt. No. 3.) Petitioner was informed of the procedures for initiating a habeas corpus action, and accorded thirty days within which to do so. Petitioner was informed that failure to comply with the court’s order would result in a recommendation that this matter be dismissed. Petitioner has not responded to the court’s order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

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 14 days after being served with these findings and recommendations, plaintiff may file written objections

1 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
2 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
3 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
4 (9th Cir. 1991).

5 DATED: March 12, 2012

6
7 
8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

10 nash3172.f&r.dsms