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

OSCAR MORALES,

Petitioner,

No. 2: 12-cv-0544 LKK KJN P

vs.

ANTHONY HEDGPETH, et al.,

Respondents

FINDINGS AND RECOMMENDATIONS

_____ /

Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 7, 2012, respondent filed a motion to dismiss. Petitioner did not file an opposition. Accordingly, on June 20, 2012 the court granted petitioner fourteen days to file his opposition and show cause for his failure to file an opposition. The June 20, 2012 order warned petitioner that his failure to file an opposition would be deemed a waiver of opposition.

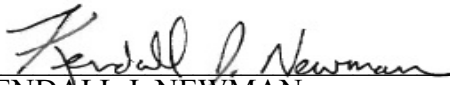
Fourteen days passed and petitioner did not respond to the June 20, 2012 order.

Accordingly, IT IS HEREBY RECOMMENDED that respondent’s May 7, 2012 motion to dismiss (Dkt. No. 13) be granted.

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, any party may file written
2 objections with the court and serve a copy on all parties. Such a document should be captioned
3 “Objections to Magistrate Judge’s Findings and Recommendations.” If petitioner files
4 objections, he shall also address whether a certificate of appealability should issue and, if so, why
5 and as to which issues. A certificate of appealability may issue under 28 U.S.C. § 2253 “only if
6 the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. §
7 2253(c)(3). Any response to the objections shall be filed and served within fourteen days after
8 service of the objections. The parties are advised that failure to file objections within the
9 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
10 F.2d 1153 (9th Cir. 1991).

11 DATED: July 19, 2012

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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