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

ANTHONY R. TURNER,

Petitioner,

No. 2:12-cv-0609 JAM JFM P

vs.

MATTHEW CATES,

Respondent.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By order filed August 31, 2012, petitioner’s application was dismissed and thirty days leave to file an amended application was granted. 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 ORDERED that the Clerk of the Court is directed to serve a copy of this order and findings and recommendations on petitioner at his address of record and at Salinas Valley State Prison, PO Box 1020, Soledad, CA 93960-1020; and

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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 fourteen days after being served with these findings and recommendations, petitioner may file written

1 objections with the court. The document should be captioned "Objections to Magistrate Judge's
2 Findings and Recommendations." Any response to the objections shall be filed and served
3 within fourteen days after service of the objections. Petitioner is advised that failure to file
4 objections within the specified time may waive the right to appeal the District Court's order.
5 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: November 27, 2012.

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9 UNITED STATES MAGISTRATE JUDGE

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