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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALVIN WALKER,
Petitioner,
v.
THOMAS FERRARA,
Respondent.

No. 2:14-cv-00230 KJM DAD P

FINDINGS AND RECOMMENDATIONS

Petitioner is a former state prisoner proceeding pro se in this habeas corpus action filed pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.

On August 13, 2014, this court directed petitioner to file and serve, within 21 days, an opposition or statement of non-opposition in response to respondent’s pending motion to dismiss. (ECF No. 14.) Moreover, the court informed petitioner as follows: “Failure to comply with this order will result in the dismissal of this action without prejudice pursuant Federal Rule of Civil Procedure 41(b).” (Id. at 2.) More than 21 days have passed, and petitioner has not responded to the court’s order, or otherwise communicated with the court.

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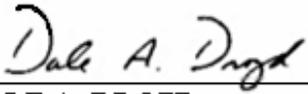
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Accordingly, good cause appearing, IT IS HEREBY RECOMMENDED that:

1. This action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b); and
2. The Clerk of Court be directed to close this case.

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, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be filed and served within seven days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

Dated: September 24, 2014



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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