

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON HALL,
Petitioner,
v.
BRIAN DUFFY,
Respondent.

No. 2:14-cv-1234 JAM AC P

FINDINGS AND
RECOMMENDATION


Petitioner is proceeding pro se and in forma pauperis with his petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. On August 4, 2014, respondent filed a motion to dismiss the petition. ECF No. 13. After petitioner failed to respond to the motion, the court, on September 24, 2014, ordered petitioner to file an opposition or a statement of no opposition within thirty days. ECF No. 14. The thirty days have expired, and plaintiff still has not filed any response to the motion to dismiss.

IT IS HEREBY RECOMMENDED THAT:

1. This action be DISMISSED, without prejudice, for failure to prosecute, pursuant to Local Rule 110 and Fed. R. Civ. P. 41(b); and
2. Defendant’s pending motion to dismiss (ECF Nos. 13), be DENIED as moot.

1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21)
3 days after being served with these findings and recommendations, plaintiff may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
6 failure to file objections within the specified time may waive the right to appeal the District
7 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 DATED: December 22, 2014

9 
10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28