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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD LEE SPOONMORE,
Petitioner,
v.
JUDGE REED, et al.,
Respondents.

No. 2:14-cv-1631-MCE-EFB P

FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner proceeding without counsel, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 10, 2015, the original petition in this action was dismissed with leave to amend. That order informed petitioner of the deficiencies in his petition and directed petitioner to file an amended petition within thirty days. The order further warned petitioner that failure to file an amended petition could result in the dismissal of this action.

The time period for acting has passed and petitioner has not filed an amended petition or otherwise responded to that order.

Accordingly, it is hereby RECOMMENDED that this action be dismissed. See Fed. R. Civ. P. 41(b); Rule 12, Rules Governing § 2254 Cases; Local Rule 110.

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

1 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.” Failure to file objections
4 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
5 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). In
6 his objections petitioner may address whether a certificate of appealability should issue in the
7 event he files an appeal of the judgment in this case. *See* Rule 11, Federal Rules Governing
8 Section 2254 Cases (the district court must issue or deny a certificate of appealability when it
9 enters a final order adverse to the applicant).

10 DATED: April 15, 2015.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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