

1 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed. See Fed.
2 R. Civ. P. 41(b); Rule 12, Rules Governing § 2254 Cases.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
8 objections shall be filed and served within seven days after service of the objections. The parties
9 are advised that failure to file objections within the specified time may waive the right to appeal
10 the District Court’s order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst,
11 951 F.2d 1153 (9th Cir. 1991).

12 In any objections he elects to file, petitioner may address whether a certificate of
13 appealability should issue in the event he files an appeal of the judgment in this case. See Rule
14 11, Federal Rules Governing Section 2254 Cases (the district court must issue or deny a
15 certificate of appealability when it enters a final order adverse to the applicant).

16 DATED: November 13, 2015.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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