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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANTE L. LOVE,
Petitioner,
v.
WILLIAM KNIPP,
Respondent.

No. 2:14-cv-2817 JAM CKD P

FINDINGS AND RECOMMENDATIONS

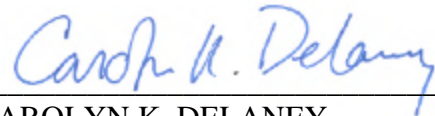
Petitioner is a California prisoner proceeding pro se with an application for writ of habeas corpus under 28 U.S.C. § 2254. On May 18, 2015, respondent filed a motion to dismiss. On June 29, 2015, the court ordered petitioner to file an opposition or statement of non-opposition to the motion. Petitioner was warned that failure to do so would result in a recommendation that this action be dismissed for failure to follow court orders pursuant to Federal Rule of Civil Procedure 41(a). The time for filing an opposition or statement of non-opposition has now expired without petitioner filing an opposition or statement of non-opposition.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

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

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” In his objections petitioner
3 may address whether a certificate of appealability should issue in the event he files an appeal of
4 the judgment in this case. See Rule 11, Federal Rules Governing Section 2254 Cases (the district
5 court must issue or deny a certificate of appealability when it enters a final order adverse to the
6 applicant). Any response to the objections shall be served and filed within fourteen days after
7 service of the objections. The parties are advised that failure to file objections within the
8 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
9 F.2d 1153 (9th Cir. 1991).

10 Dated: August 25, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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