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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID W. SVETE,  
Petitioner,  
v.  
CRAIG APKER,  
Respondent.

No. 2:15-cv-246-EFB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Petitioner, a federal prisoner, proceeds pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On March 12, 2015, the court found that petitioner had failed to file an in forma pauperis application or pay the filing fee (\$5.00) required by 28 U.S.C. §§ 1914(a) & 1915(a). Accordingly, the court ordered petitioner to file a completed in forma pauperis application or pay the filing fee within 30 days. That order warned petitioner that failure to do so may result in this action being dismissed.

The 30-day period has expired and petitioner has not filed a completed in forma pauperis affidavit, paid the filing fee or otherwise responded to the court’s order.<sup>1</sup>

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<sup>1</sup> Although it appears from the file that petitioner’s copy of the order was returned, petitioner was properly served. It is the petitioner’s responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1           Accordingly, it is hereby ORDERED that the Clerk is directed to randomly assign a  
2 United States District Judge to this case.

3           Further, it is hereby RECOMMENDED that this action be dismissed. *See* Fed. R. Civ. P.  
4 41(b); Rule 12, Rules Governing § 2254 Cases; Local Rule 110.

5           These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, any party may file written  
8 objections with the court and serve a copy on all parties. Such a document should be captioned  
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
10 shall be served and filed within fourteen days after service of the objections. Failure to file  
11 objections within the specified time may waive the right to appeal the District Court’s order.  
12 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.  
13 1991). In his objections petitioner may address whether a certificate of appealability should issue  
14 in the event he files an appeal of the judgment in this case. *See* Rule 11, Rules Governing Section  
15 2254 Cases (the district court must issue or deny a certificate of appealability when it enters a  
16 final order adverse to the applicant).

17 Dated: April 15, 2015.

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19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
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