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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUSTIN STEELE,  
  
                                Petitioner,  
  
                  v.  
  
JOHN N. KATAVICH, Warden,  
  
                                Respondents.

No. 2:15-cv-1836 TLN KJN P

FINDINGS & RECOMMENDATIONS

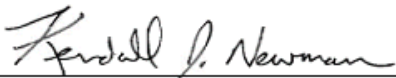
Petitioner is a state prisoner, proceeding without counsel. On October 5, 2017, the district court denied petitioner’s motion for stay, dismissed the mixed petition, and directed petitioner to file an amended petition raising only his exhausted claims (7), (8), and (11), within thirty days. Thirty days have now passed, and petitioner has not filed an amended petition or otherwise responded to the court’s order. Petitioner was warned that his failure to file an amended petition would result in a recommendation that this action be dismissed. (ECF No. 41 at 3.)

Accordingly, IT IS HEREBY RECOMMENDED that petitioner’s application for a writ of habeas corpus be dismissed without prejudice. Rose v. Lundy, 455 U.S. 509 (1982).

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 objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” If petitioner files objections,  
2 he shall also address whether a certificate of appealability should issue and, if so, why and as to  
3 which issues. A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the  
4 applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C.  
5 § 2253(c)(3). Any response to the objections shall be served and filed within fourteen days after  
6 service of the objections. The parties are advised that failure to file objections within the  
7 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951  
8 F.2d 1153 (9th Cir. 1991).

9 Dated: November 14, 2017

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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