




1 the granting of the motion . . . .” In addition, Federal Rule of Civil Procedure 41(b) permits a  
2 court to dismiss an action for failure to comply with any order of the court.

3 Petitioner has had four months to respond to respondent’s motion to dismiss, but has  
4 failed to do so. The court finds dismissal without prejudice appropriate under Rule 41(b).

5 For the foregoing reasons, IT IS HEREBY RECOMMENDED that this action be  
6 dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

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

15 Dated: October 7, 2016

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19 DEBORAH BARNES  
20 UNITED STATES MAGISTRATE JUDGE

21 DLB:9  
22 DLB1/prisoner-habeas/Reyn2182.46fr

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