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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY JAMES FUENTES,
Petitioner,
v.
SWAIN, et al.,
Respondents.

No. 2:15-cv-2535 AC P

ORDER

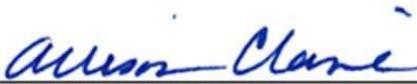
Petitioner, a federal prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The parties have consented to the jurisdiction of the undersigned magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c) and Local Rule 305(a). ECF Nos. 4, 7.

By order filed June 21, 2017, the court screened the petition and found that it lacked habeas jurisdiction over the claims and that petitioner’s claims should have been brought in an action under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). ECF No. 10. Petitioner was given thirty days to file an amended complaint converting the petition into a civil rights action and was warned that failure to do so would result in dismissal of the petition for lack of habeas jurisdiction. Id. at 4. After petitioner failed to file an amended complaint or otherwise respond to the order, he was given an additional twenty-one days to comply and warned that failure to do so would result in dismissal of the petition without

1 further warning. ECF No. 11. Twenty-one days have now passed and petitioner has once again
2 failed to file an amended complaint or otherwise respond to the order.

3 Accordingly, IT IS HEREBY ORDERED that the petition is dismissed for lack of habeas
4 jurisdiction for the reasons set forth in the June 21, 2017 order (ECF No. 10).

5 DATED: September 18, 2017

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7 ALLISON CLAIRE
8 UNITED STATES MAGISTRATE JUDGE
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