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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROBERT ANTHONY GARCIA,

No. 2:16-cv-0904-CMK-P

Petitioner,

vs.

ORDER

DAVE DAVEY,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action.

On March 31, 2017, the court directed Petitioner to show cause in writing, within 30 days, why this case should not be closed as an improperly filed attempt at a petition for a writ of habeas corpus. Petitioner was warned that failure to respond to the order may result in dismissal of the case for the reasons outlined as well as for failure to prosecute and comply with court rules and orders. See Local Rule 110. To date, Petitioner has not responded.

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The court, therefore, finds it appropriate to dismiss this action for Petitioner's failure to file a proper and complete petition for writ of habeas corpus, as well as for failure to prosecute and comply with court rules and orders. The Clerk of the Court is directed to enter judgment of dismissal and close this case.

IT IS SO ORDERED.

DATED: October 13, 2017



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE