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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES WAYNE DEMPSEY, JR.,

Petitioner,

v.

PEOPLE OF THE STATE OF CALIFORNIA,

Respondent.

No. 2:16-cv-1565 MCE CKD P

FINDINGS AND RECOMMENDATIONS

By order filed September 14, 2016, the petition in this action was dismissed for failure to meet the “in custody” requirement, and petitioner was granted thirty days to file an amended petition. Petitioner was advised that failure to timely amend would result in a recommendation of dismissal. The thirty day period has now expired, and petitioner has not responded to the court’s order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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, petitioner may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s

1 Findings and Recommendations.” Petitioner is advised that failure to file objections within the
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
3 F.2d 1153 (9th Cir. 1991).

4 Dated: October 25, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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