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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES EARL HALL,
Petitioner,
v.
ROBERT FOX,
Respondent.

No. 2:16-cv-2628 MCE DB P

FINDINGS AND RECOMMENDATIONS


Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. On June 23, 2017, the court screened the petitioner and dismissed it with leave to amend because it only alleged violations of California state sentencing law, which are not recognized in a federal habeas proceeding. (ECF No. 10.) The court ordered petitioner to, within thirty days, file an amended petition. (Id.) Petitioner was warned that his failure to comply with the order may result in dismissal of the action.

The 30 day deadline has expired and petitioner did not submit an amended petition. Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice for failure to prosecute and failure to comply with this court’s orders.

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, plaintiff may file written objections

1 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
2 and Recommendations.” Any response to the objections shall be filed and served within fourteen
3 days after service of the objections. Plaintiff is advised that failure to file objections within the
4 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
5 F.2d 1153 (9th Cir. 1991).

6 Dated: September 26, 2017

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10 DEBORAH BARNES
11 UNITED STATES MAGISTRATE JUDGE

12 TIM-DLB:10
13 DB / ORDERS / ORDERS.PRISONER.HABEAS / hall.2628.fr.dismiss
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