1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:16-cv-2766 JAM KJN P KENNETH WAYNE MILLS, 12 Petitioner, 13 FINDINGS & RECOMMENDATIONS V. 14 CALIFORNIA MEDICAL FACILITY, et al., 15 Respondent. 16 17 Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas 18 19 corpus pursuant to 28 U.S.C. § 2254. On March 31, 2017, the undersigned granted petitioner 20 twenty-one days to show cause why this action should not be dismissed based on his failure to 21 exhaust state court remedies. (ECF No. 15.) Twenty-one days passed and petitioner did not 22 respond to the March 31, 2017 order. Accordingly, for the reasons stated in the March 31, 2017, order, IT IS HEREBY 23 24 RECOMMENDED that this action be dismissed based on petitioner's failure to exhaust state 25 court remedies. 26 These findings and recommendations are submitted to the United States District Judge 27 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days 28 after being served with these findings and recommendations, petitioner may file written 1

objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." If petitioner files objections, he shall also address whether a certificate of appealability should issue and, if so, why and as to which issues. A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(3). Petitioner is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). Dated: May 3, 2017 UNITED STATES MAGISTRATE JUDGE Mill2766.dis