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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN MANUEL REYES,
Petitioner,
v.
PEOPLE OF THE STATE OF CALIFORNIA,
Respondent.

No. 2:16-cv-02822 GEB GGH

FINDING AND RECOMMENDATION

Plaintiff is proceeding pro se with the above-entitled habeas corpus action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On December 13, 2016, the magistrate judge order the petitioner to submit a request to proceed in forma pauperis on forms provided to him by the Clerk of the Court or to pay the appropriate filing fee within 28 days of the issuance of the order. ECF No. 3. When neither of the directed actions were taken the magistrate judge issued an Order to Show Cause why petitioner’s failure to comply with the foregoing order should not result in dismissal of the pending petition and warned that failure to respond to the order within 30 days of its issuance would result in a recommendation for dismissal. ECF No. 5. Petitioner has neither sought in forma pauperis status, paid the filing fee for his action, or shown cause why the matter should not be dismissed for failure to answer an Order to Show Cause.

1 Accordingly, **IT IS HEREBY RECOMMENDED** that the Petition for Habeas Corpus be
2 DISMISSED without prejudice for failure to prosecute and for failure to obey a valid court order.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after
5 being served with these findings and recommendations, any party may file written objections with
6 the court. The document should be captioned “Objections to Magistrate Judge’s Findings and
7 Recommendations.” Any response to the objections shall be filed and served within 14 days after
8 service of the objections. Failure to file objections within the specified time may waive the right
9 to appeal the District Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: February 28, 2017

11 /s/ Gregory G. Hollows
12 UNITED STATES MAGISTRATE JUDGE

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