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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WARREN CLEVELAND GREEN,
Petitioner,
v.
CDCR, et al.,
Respondents.

No. 2:17-cv-0461 JAM AC P

FINDINGS AND RECOMMENDATIONS

On March 2, 2017, petitioner filed a request for extension of time within which to file a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. See ECF No. 1. By order filed March 7, 2017, the court denied the motion and informed petitioner that, in order to commence a habeas action, he must file his petition and pay the filing fee or obtain leave to proceed in forma pauperis. See ECF No. 3. Petitioner was accorded thirty days after service of the court’s order to comply with these requirements. Id. Petitioner was informed that “failure to timely comply with this order will result in a recommendation that this action be dismissed without prejudice.” Id. at 2, ¶ 4. The thirty-day deadline has passed; however, petitioner has not responded to the court’s order or otherwise communicated with the court.


Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 41(b) (failure to prosecute).

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These findings and recommendations are submitted to the United States District Judge assigned to this 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. Such document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” 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: April 24, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE