

1 petitioner's silence as an indication that he has no opposition to the granting of the Motion to
2 Dismiss.

3 Accordingly, IT IS HEREBY RECOMMENDED that:

- 4 1. The petition should be dismissed with prejudice;
- 5 2. No Certificate of Appealability should issue; and
- 6 3. The Clerk of the Court shall close this file.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
9 after being served with these findings and recommendations, any party may file written
10 objections with the court and serve a copy on all parties. Such a document should be captioned
11 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
12 within the specified time may waive the right to appeal the District Court's order. Martinez v.
13 Ylst, 951 F.2d 1153 (9th Cir. 1991), 951 F.2d 1153 (9th Cir. 1991

14 **IT IS SO ORDERED.**

15 Dated: October 23, 2017

16 /s/ Gregory G. Hollows
17 UNITED STATES MAGISTRATE JUDGE
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