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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCISCO ANGEL LIMON,
Petitioner,
v.
M.E. SPEARMAN, Warden,
Respondent.

No. 2:17-cv-01360 TLN AC P

FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner at High Desert State Prison, proceeds pro se with a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. By order filed February 28, 2018, petitioner was directed to file and serve, within 21 days, an opposition or statement of non-opposition to respondent’s pending motion to dismiss. See ECF No. 15. The court informed petitioner that “[f]ailure to timely file and serve an opposition or statement of non-opposition to the pending motion will result in a recommendation that this action be dismissed under Rule 41(b), Federal Rules of Civil Procedure.” Id. at 2. The deadline for petitioner’s response has expired without any filing or other communication from petitioner.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice under Rule 41(b), Federal Rules of Civil Procedure.

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 (14)

1 days after being served with these findings and recommendations, petitioner may file written
2 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
3 Findings and Recommendations.” Petitioner 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,
5 951 F.2d 1153 (9th Cir. 1991).

6 DATED: March 28, 2018.

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ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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