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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIRK J. BOUIE, Jr.,
Petitioner,
v.
ROBERT FOX, Warden,
Respondent.

No. 2:17-cv-2044 TLN AC P

FINDINGS AND RECOMMENDATIONS

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, in which petitioner challenges a disciplinary conviction. See ECF No. 1. Petitioner paid the filing fee.

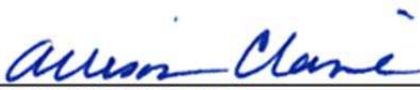
On January 11, 2018, respondent filed and served a motion to dismiss the petition on the ground that it was filed beyond the one-year statute of limitations. See ECF No. 11. Petitioner’s opposition or statement of non-opposition was initially due within thirty days. See ECF No. 7 at 2, ¶ 3. Petitioner obtained two extensions of time. See ECF Nos. 13 & 17. By order filed March 20, 2018, this court directed petitioner to file and serve his response to the pending motion by April 15, 2018; petitioner was informed that “no further extensions of time will be granted absent a showing of extraordinary cause.” ECF No. 17 at 2. The April 15, 2018 deadline has passed but petitioner has not responded to the pending motion, requested additional time, or otherwise communicated with the court.

1 The Federal Rules of Civil Procedure provide for dismissal of an action for failure to
2 prosecute or to comply with the rules or orders of the court. See Fed. R. Civ. P. 41(b); see also
3 Local Rule 110 (failure to comply with order of court may be grounds for sanctions); Local Rule
4 230(1) (failure to file an opposition to a motion may be deemed a waiver of opposition thereto and
5 grounds for sanctions). Due to petitioner's failure to comply with the orders of this court and his
6 apparent abandonment of this action, the undersigned will recommend that this action be
7 dismissed for failure to prosecute, pursuant to the Rule 41(b), Federal Rules of Civil Procedure.

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

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)
12 days after being served with these findings and recommendations, any party may file written
13 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
14 Findings and Recommendations." Petitioner is advised that failure to file objections within the
15 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
16 F.2d 1153 (9th Cir. 1991).

17 DATED: April 26, 2018

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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