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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM HOLT BAYMILLER,  
Petitioner,  
v.  
PEOPLE OF THE STATE OF  
CALIFORNIA,  
Respondent.

No. 2: 17-cv-2458 MCE KJN P

FINDINGS AND RECOMMENDATIONS

Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. For the reasons stated herein, the undersigned recommends that this action be dismissed.

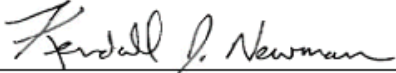
On August 24, 2018, this action was stayed so that petitioner could exhaust his unexhausted claims. (ECF No. 17.) On April 6, 2020, the Honorable Morrison C. England’s Courtroom Deputy Clerk issued a minute order (at the direction of Judge England) ordering petitioner to file a status report not later than July 1, 2020. (ECF No. 18.) Petitioner did not file a status report. Accordingly, the undersigned recommends that this action be dismissed based on petitioner’s failure to file a status report, as directed by the April 6, 2020 minute order and failure to prosecute this case.

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1           Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without  
2 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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 fourteen days  
5 after being served with these findings and recommendations, petitioner may file written  
6 objections with the court and serve a copy on all parties. Such a document should be captioned  
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner is advised that  
8 failure to file objections within the specified time may waive the right to appeal the District  
9 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: October 27, 2021

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13 KENDALL J. NEWMAN  
14 UNITED STATES MAGISTRATE JUDGE

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