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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONAL RAY GRIGSBY, JR.,  
Petitioner,  
v.  
ROBERT W. FOX, Warden,  
Respondent.

No. 2:18-cv-00447-KJM-GGH  
FINDINGS AND RECOMMENDATIONS

Petitioner filed a petition for a writ of habeas corpus in pro se on February 28, 2018. EC No. 1. This court dismissed the petition with leave to amend to state a civil rights claim under 42 U.S.C. section 1983 in conformity to instructions given in the Order on April 30, 2018. ECF No. 5. On May 24, 2018 the petitioner sought an extension of time to file an amended pleading, ECF No. 6, and on June 1, 2018 the court granted an extension of time to August 10, 2018 and directing petitioner to complete an in forma pauperis application if he wished to proceed. ECF No. 7. Petitioner has taken no action in response to this Order and the time to do so has now lapsed.

In light of the foregoing IT IS HEREBY RECOMMENDED that:

1. The petition should be dismissed without leave to amend pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and refusal to obey the Order of this court;

