

1 filing by the petitioner.

2 In light of the foregoing, IT IS HEREBY RECOMMENDED that:

- 3 1. This action be dismissed without prejudice to the filing of a petition for failure to
4 obey a court order and to prosecute pursuant to Federal Rule of Civil Procedure 41(b);
- 5 2. The Clerk of the Court should close this file;
- 6 3. No Certificate of Appealability should issue.

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 fourteen days
9 after being served with these findings and recommendations, petitioner may file written
10 objections with the court. The document should be captioned “Objections to Magistrate Judge’s
11 Findings and Recommendations.” Any response to the objections shall be filed and served within
12 fourteen days after service of the objections. Petitioner is advised that failure to file objections
13 within the specified time may waive the right to appeal the District Court’s order. Martinez v.
14 Ylst, 951 F.2d 1153 (9th Cir. 1991).

15 Dated: December 12, 2018

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