

1 Accordingly, the Clerk of the Court is HEREBY ORDERED to assign a district judge to
2 this case; and

3 IT IS RECOMMENDED that this action be dismissed. See E.D. Cal. R. 110; Fed. R. Civ.
4 P. 41(b).

5 These findings and recommendations will be submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. The document should be captioned
9 “Objections to Magistrate Judge's Findings and Recommendations.” Any response to the
10 objections shall be filed and served within seven days after service of the objections. The parties
11 are advised that failure to file objections within the specified time may result in waiver of the
12 right to appeal the district court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). In the
13 objections, the party may address whether a certificate of appealability should issue in the event
14 an appeal of the judgment in this case is filed. See Rule 11, Rules Governing § 2254 Cases (the
15 district court must issue or deny a certificate of appealability when it enters a final order adverse
16 to the applicant).

17 Dated: December 10, 2018

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20 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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DB/prisoner-habeas/gran1889.fta fr

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