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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE MILLS,  
  
Petitioner,  
  
v.  
  
LOS ANGELES SUPERIOR COURT  
  
Respondent.

No. 2:18-cv-01941-KJM-GGH

FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner, filed a petition for habeas corpus on July 13, 2018. On September 21, 2018 the undersigned, to whom this matter had been referred, issued an Order that dismissed the petition with leave to amend in conformity with instructions given therein, and to file an application for in forma pauperis status within 45 days from the date of the Order. Petitioner was advised that a failure to comply with the Order would result in a recommendation that the petition be dismissed. ECF No. 6. On September 21, 2018 a copy of the court's application for in forma pauperis status was mailed to the petitioner by the Clerk of the Court. ECF No. 8. A further service of the Order and the application was effected on October 3, 2018 in light of petitioner's notice of change of address received on October 2, 2018. On November 20, 2018 an Order to Show Cause was issued by the undersigned directing that petitioner show cause why the matter should not be dismissed, and petitioner was given fifteen days to comply. ECF No. 9. All of the time limits established by this court for a response from petitioner have lapsed and no response has been filed.

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In light of the foregoing IT IS HEREBY RECOMMENDED that:

1. The petition should be DISMISSED without prejudice;
2. The Clerk of the Court should close this case;
3. No Certificate of Appealability should issue.

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

Dated: December 12, 2018

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE