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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAVID SAMPSON HUNTER,

 Petitioner,

 v.

SCOTT JONES,

 Respondent.

No. 2:20-CV-1097-WBS-DMC-P

FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 28, 2021, the District Judge issued an order granting Respondent’s motion to dismiss and dismissing Petitioner’s first amended petition with leave to amend. See ECF No. 46. Petitioner was directed to file a second amended petition within 30 days. See id. Petitioner has been warned that failure to comply with court orders may result in dismissal of this action. See Local Rule 110. To date, despite having been granted an extension of time, Petitioner has not complied by filing a second amended petition which is sufficient to proceed consistent with the District Judge’s order dismissing the first amended petition for failure to comply with Rule 2(c) of the Federal Rules Governing Section 2254 Cases. While Petitioner filed a document on January 3, 2022, which has been docketed as a second amended petition, this pleading also fails to comply with Rule 2(c).

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Based on the foregoing, the undersigned recommends that this action be dismissed, without prejudice, for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110.

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 14 days after being served with these findings and recommendations, any party may file written objections with the court. Responses to objections shall be filed within 14 days after service of objections. Failure to file objections within the specified time may waive the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: February 11, 2022



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE