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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERARDO GONZALEZ,
Petitioner,
v.
UNKNOWN,
Respondent.

No. 2:20-cv-01697 JAM GGH P

FINDINGS AND RECOMMENDATIONS

On August 21, 2020, petitioner, a state prisoner proceeding pro se, commenced a habeas action by filing a motion for an extension of time to file a petition for writ of certiorari. ECF No. 1. On August 31, 2021, the undersigned granted petitioner thirty days to file a writ of habeas corpus and an application to proceed in forma pauperis in order to properly commence this habeas action. ECF No. 3. However, petitioner failed to file his habeas petition and his application to proceed in forma pauperis within the requisite deadline. On December 11, 2020, the undersigned issued findings and recommendations recommending this action be dismissed for lack of prosecution and for failure to comply with the court’s orders. ECF No. 10. On December 28, 2020, petitioner filed a motion for extension of time to file his habeas petition and application to proceed in forma pauperis citing limited law library access due to the ongoing coronavirus pandemic. ECF No. 11. The undersigned granted the extension of time; vacated the December 11, 2020 findings and recommendations; and warned petitioner that failure to comply with this order

1 will result in a recommendation that this action be dismissed without prejudice. ECF No. 12.
2 Petitioner has not responded to the court's orders, nor taken any action to prosecute this case.

3 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without
4 prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R.
5 Civ. P. 41(b); Local Rule 110.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, any party may file written
9 objections with the court. The document should be captioned "Objections to Magistrate Judge's
10 Findings and Recommendations." Any response to the objections shall be filed and served within
11 fourteen days after service of the objections. The parties are advised that failure to file objections
12 within the specified time may waive the right to appeal the District Court's order. Martinez v.
13 Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 Dated: March 12, 2021

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