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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN GENE HINZMAN, Jr.,
Petitioner,
v.
P. EATON, Warden,
Respondent.

No. 2:20-cv-02280 GGH P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. The matter was referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and Local Rule 302(c).

On December 7, 2020, the court granted petitioner thirty days to file an amended habeas petition in compliance with the court’s instructions. ECF No. 4. On January 27, 2021, the court issued an order to show cause ordering petitioner to show cause within 14 days, why this matter should not be dismissed for failure to prosecute and/or to follow a court order pursuant to Federal Rules of Civil Procedure 41(b). ECF No. 5. Petitioner was further informed that the filing of an

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1 amended petition within the timeframe would serve as cause and would discharge the January 27,
2 2021 order. Id. Petitioner has not responded to the court’s orders, nor taken any action to
3 prosecute this case.

4 IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a
5 District Judge to this action.

6 Further, IT IS HEREBY RECOMMENDED that this action be dismissed, without
7 prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R.
8 Civ. P. 41(b); Local Rule 110.

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

17 Dated: March 12, 2021

18 /s/ Gregory G. Hollows
19 UNITED STATES MAGISTRATE JUDGE
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