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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRICK JAMES FRANKLIN,  
Petitioner,  
v.  
RICK HILL, Warden,  
Respondent.

No. 2:21-cv-00275 JAM GGH P

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 March 3, 2021, the court issued an order dismissing petitioner’s habeas petition with leave to amend to state a civil rights claim. ECF No. 7. Petitioner was granted thirty days from the date of service of the court’s March 3, 2021 order to file a complaint for civil rights claims pursuant to 42 U.S.C. § 1983. Id. Petitioner was warned that “[f]ailure to file an amended complaint in accordance with this order will result in a recommendation that the petition be dismissed without leave to amend.” Id. at 6. Petitioner has not responded to the court’s orders, nor taken any action to prosecute this case.

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

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

12 Dated: April 29, 2021

13 /s/ Gregory G. Hollows  
14 UNITED STATES MAGISTRATE JUDGE  
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