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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN KUYKENDALL,
Petitioner,
v.
UNKNOWN,
Respondent.

Case No. 2:21-cv-00924-WBS-JDP (HC)
FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM
OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On June 28, 2021, I screened petitioner’s petition for writ of habeas corpus, notified him that it failed to state a claim, and granted him sixty days to file an amended petition. ECF No. 9. Petitioner failed to timely file an amended petition. Accordingly, on November 8, 2021, I ordered petitioner to show cause within twenty-one days why this action should not be dismissed for his failure to prosecute and for failure to state a claim. ECF No. 10. I notified him that if he wished to continue with this action he must file, within twenty-one days, an amended petition. *Id.* I also warned him that failure to comply with that order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and petitioner has not filed an amended petition nor otherwise responded to the November 8, 2021 order. Accordingly, it is hereby RECOMMENDED that:

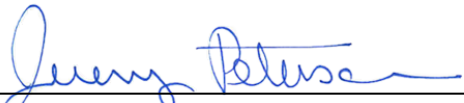
1 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
2 and for failure to state a claim for the reasons set forth in the court’s June 28, 2021 order. *See*
3 ECF No. 9.

4 2. The Clerk of Court be directed to close the case.

5 I submit these findings and recommendations to the district judge under
6 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States
7 District Court, Eastern District of California. The parties may, within 14 days of the service of
8 the findings and recommendations, file written objections to the findings and recommendations
9 with the court. Such objections should be captioned “Objections to Magistrate Judge’s Findings
10 and Recommendations.” The district judge will review the findings and recommendations under
11 28 U.S.C. § 636(b)(1)(C).

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13 IT IS SO ORDERED.

14 Dated: December 28, 2021



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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