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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE MILES, SR.,
Petitioner,
v.
PEOPLE OF THE STATE OF CALIFORNIA, et al.,
Respondents.

No. 2:21-cv-01143 TLN 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 August 2, 2021, the undersigned directed petitioner to file, within thirty days from the date of the order, an amended habeas petition and an application to proceed in forma pauperis, or the filing fee in the amount of \$5.00. ECF No. 6. Petitioner was warned that failure to comply with the court’s order would result in a recommendation that this matter be dismissed. Id. Petitioner did not comply, nor respond, to the court’s orders within the requisite deadline. On September 28, 2021, the court ordered 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. 7. Petitioner was further informed that the filing of a habeas petition and in forma pauperis affidavit, or payment of the required filing fee, within the

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

3 IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for
4 lack of prosecution and for failure to comply with the court’s order. See Fed. R. Civ. P. 41(b);
5 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, petitioner 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. Petitioner is 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: October 28, 2021

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