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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL VILLALOBOS,
Petitioner,
v.
PAUL THOMPSON, Warden, et al.,
Respondents.

No. 2:22-cv-0168 KJM DB P
FINDINGS AND RECOMMENDATIONS

Petitioner, a federal prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By order dated May 19, 2022, petitioner was directed to file an affidavit in support of his request to proceed in forma pauperis or pay the filing fee within thirty days. (ECF No. 5.) Petitioner was advised that failure to comply with the court’s order would result in a recommendation that this action be dismissed. (Id.) Those thirty days have passed, and petitioner has not submitted an affidavit, paid the filing fee, requested additional time to do so, or otherwise responded to the order. The undersigned notes that it appears petitioner has been transferred¹ to a different prison facility. While petitioner has not


¹ The Federal Bureau of Prisons inmate locator website found at: <https://www.bop.gov/inmateloc/> indicates that petitioner is no longer housed at Federal Correctional Institution, Herlong. This court may take judicial notice of such information. See Louis v. McCormick & Schmick Restaurant Corp., 460 F. Supp. 2d 1153, 1155 fn.4 (C.D. Cal. 2006) (court may take judicial notice of state agency records).

1 updated his address as required by Local Rule 183(b), service on petitioner at his address of
2 record is fully effective pursuant to Local Rule 183(f). Accordingly, the undersigned will
3 recommend that this action be dismissed for failure to comply with court orders and failure to
4 prosecute. See Local Rule 110; Fed. R. Civ. P. 41(b).

5 For the reasons set forth above, IT IS HEREBY RECOMMENDED that this action be
6 dismissed without prejudice.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
9 after being served with these findings and recommendations, petitioner may file written
10 objections with the court and serve a copy on all parties. Such a document should be captioned
11 “Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner is advised that
12 failure to file objections within the specified time may waive the right to appeal the District
13 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 Dated: August 1, 2022

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18 DEBORAH BARNES
19 UNITED STATES MAGISTRATE JUDGE
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24 DB:12
25 DB/DB Prisoner Inbox/Habeas/R/vill0168.fr dism
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