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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LATRALE D. WAY,  
  
  Petitioner,  
  
  v.  
  
KATHLEEN ALLISON,  
  
  Respondent.

No. 2:22-cv-01351-DAD-EFB (HC)

FINDINGS AND RECOMMENDATIONS

Petitioner is a state prisoner proceeding without counsel in this petition for writ of habeas corpus brought under 28 U.S.C. § 2254. On March 1, 2023, respondent filed a motion to dismiss the petition. ECF No. 13. On April 10, 2023, the court informed petitioner of the requirements for filing an opposition to a motion to dismiss. ECF No. 15. That order gave petitioner twenty-one (21) days to file an opposition or statement of non-opposition. *Id.*


The time for acting has passed and petitioner has not filed an opposition or a statement of non-opposition, nor has he otherwise responded to the court’s order.

Accordingly, it is RECOMMENDED that this action be dismissed without prejudice. *See* E.D. Cal. L.R. 110; Fed. R. Civ. P. 41(b); Rule 12, Rules Governing § 2254 Cases.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned  
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
3 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
4 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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6 Dated: May 10, 2023.

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8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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