



1 they rest." Id. The court gave petitioner thirty (30) days from  
2 the date of the order to file an amended petition and warned that  
3 "[f]ailure to amend within the designated time will result in the  
4 dismissal of the case. The amended petition completely replaces the  
5 original petition; petitioner must include in it all the claims he  
6 wishes to present. He may not incorporate any other document by  
7 reference." Id at 3

8 Over thirty (30) days have elapsed since petitioner was  
9 ordered to file an amended petition. He has failed to do so.  
10 Accordingly, the petition for writ of habeas corpus in the  
11 above-captioned action is DISMISSED without prejudice for failure to  
12 prosecute pursuant to Federal Rule of Civil Procedure 41(b).

13 The clerk is directed to terminate any pending motions as  
14 moot and close the file.

15 IT IS SO ORDERED.



17 VAUGHN R WALKER  
18 United States District Chief Judge