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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BENJAMIN MARTINEZ,
Petitioner,
v.
W. L. MUNIZ, Warden,
Respondent.

Case No. 16-cv-04508-MEJ (PR)

ORDER OF DISMISSAL

Petitioner has failed to file an amended petition by the deadline. Accordingly, this federal habeas action is DISMISSED without prejudice for failure to respond to the Court's order and for failure to prosecute under Federal Rule of Civil Procedure 41(b).

Because this dismissal is without prejudice, petitioner may move to reopen the action. Any motion to reopen must contain an amended petition that complies in all respects with the instructions set forth in the order dismissing the petition with leave to amend. (Docket No. 8.) The Clerk shall enter judgment in favor of respondent and close the file.

IT IS SO ORDERED.

Dated: January 27, 2017



MARIA-ELENA JAMES
United States Magistrate Judge