

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 10, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TIMOTHY EDWARD NATION,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

NO: 4:17-CV-05137-SMJ

ORDER DISMISSING CASE

By Order filed October 31, 2017, the Court instructed Petitioner, a *pro se* prisoner at the Benton County Jail, to show cause why this action should not be dismissed for failure to prosecute. A copy of this Order was returned as undeliverable on November 8, 2017. Petitioner has not complied with the Court's directive and has filed nothing further in this action.

Accordingly, **IT IS ORDERED** the Petition is dismiss without prejudice for failure to prosecute under Fed. R. Civ. P. 41 (b).

IT IS SO ORDERED. The Clerk of Court is **DIRECTED** to enter this Order, enter judgment, and forward a copy to Petitioner at his last known address

ORDER DISMISSING CASE --1

1 and close the file. The Court further certifies that pursuant to 28 U.S.C. §
2 1915(a)(3), an appeal from this decision could not be taken in good faith, and there
3 is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c);
4 Fed. R.App. P. 22(b).

5 **DATED** this 10th day of January 2018.

6 
7 SALVADOR MENDEZ, JR.
8 United States District Judge