

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	LA CV 16-6423 DOC (JCG)	Date	April 19, 2017
Title	<i>Sandro Sylvestre Perez v. Scott Frauenheim, Warden</i>		

Present: The Honorable Jay C. Gandhi, United States Magistrate Judge

Kristee Hopkins

None Appearing

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

None Appearing

None Appearing

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO FILE OPPOSITION TO MOTION TO DISMISS

On March 3, 2017, Respondent filed and served a Motion to Dismiss this action. [Dkt. No. 17.] By the Court's October 3, 2016 Order, [Dkt. No. 6], Petitioner had until April 3, 2017 to file an Opposition.

To date, Petitioner has not filed an Opposition. The failure to file an Opposition within the deadline set by the Court may be deemed Petitioner's consent to granting the Motion to Dismiss. C.D. Cal. L.R. 7-12.

Accordingly, within **fourteen days** of the date of this Order, Petitioner is **ORDERED TO SHOW CAUSE**, in writing, why he failed to timely file an Opposition to the Motion to Dismiss, and why this action should not be dismissed for failure to file an Opposition. *See id.*; *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (*per curiam*) (affirming dismissal of *pro se* prisoner's action for failure to file opposition to motion to dismiss); *Pagtalunan v. Galaza*, 291 F.3d 639, 643 (9th Cir. 2002) (affirming dismissal of habeas petition with prejudice for failure to prosecute); *Jones v. Unknown*, 2011 WL 3583462, at *1 (C. D. Cal. June 29, 2011) (dismissing habeas action for failure to file opposition to motion to dismiss).

Petitioner shall support any attempt to show cause with a declaration under penalty of perjury, accompanied by either a Statement of Non-Opposition or an Opposition that (a) states whether Petitioner admits or denies each allegation of fact contained in the Motion to Dismiss; and (b) is limited to facts or contentions responsive to matters raised in the Motion to Dismiss.

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Petitioner is cautioned that his failure to timely file a response to this Order to Show Cause and either a Statement of Non-Opposition or an Opposition to the Motion to Dismiss will be deemed by the Court as consent to the dismissal of this action without prejudice for failure to prosecute and/or failure to comply with a court order.

IT IS SO ORDERED.

cc: Parties of Record

Initials of Clerk 00 : 00
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