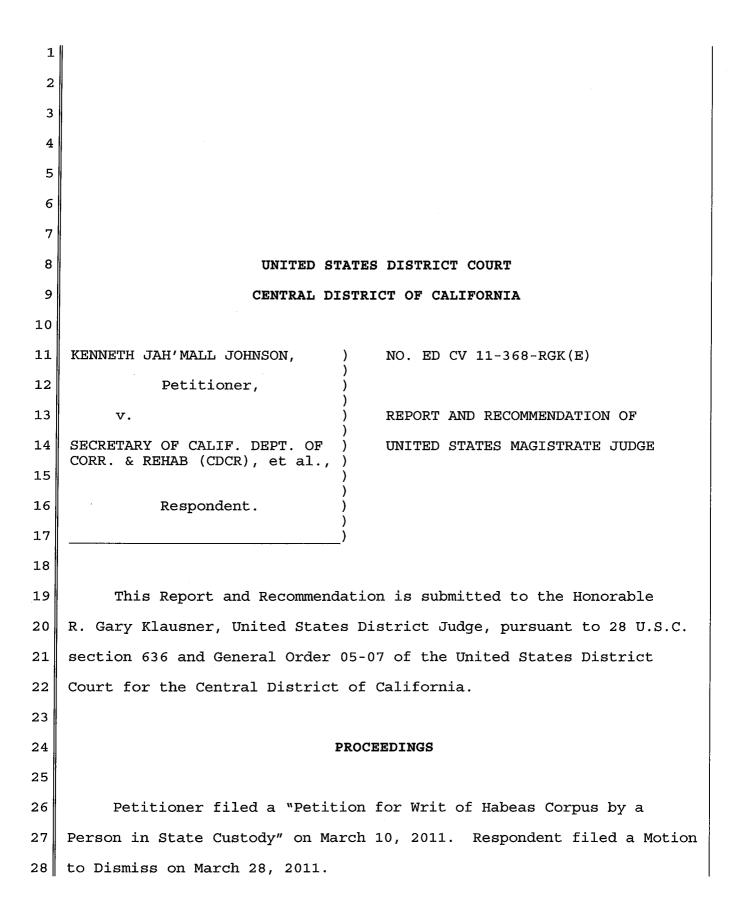
## 



The Magistrate Judge ordered that Petitioner file opposition to the motion within thirty days of March 29, 2011. The Magistrate Judge cautioned: "Failure to file timely opposition to the motion may result in denial and dismissal of the Petition."

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Petitioner failed to file an opposition within the allotted time. Because of possible service problems, the Magistrate Judge subsequently extended Petitioner's deadline to June 15, 2011, but Petitioner again failed to file opposition within the allotted time.

## **DISCUSSION**

RECOMMENDATION For all of the foregoing reasons, IT IS RECOMMENDED that the Court issue an Order: (1) approving and adopting this Report and Recommendation; and (2) directing that Judgment be entered denying and dismissing the Petition without prejudice. DATED: June 17, 2011. CHARLES F. EICK UNITED STATES MAGISTRATE JUDGE 

## NOTICE

Reports and Recommendations are not appealable to the Court of Appeals, but may be subject to the right of any party to file objections as provided in the Local Rules Governing the Duties of Magistrate Judges and review by the District Judge whose initials appear in the docket number. No notice of appeal pursuant to the Federal Rules of Appellate Procedure should be filed until entry of the judgment of the District Court.

If the District Judge enters judgment adverse to Petitioner, the District Judge will, at the same time, issue or deny a certificate of appealability. Within twenty (20) days of the filing of this Report and Recommendation, the parties may file written arguments regarding whether a certificate of appealability should issue.