

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. 5:18-cv-00907-JLS (MAA) Date: September 9, 2020

Title Ulysses Franklin Moore v. George Jamie, Warden

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

James Muñoz  
Deputy Clerk

N/A  
Court Reporter / Recorder

Attorneys Present for Petitioner:  
N/A

Attorneys Present for Respondent:  
N/A

**Proceedings (In Chambers):            Order Regarding Petitioner’s Opposition to Respondent’s Motion to Dismiss (ECF No. 48)**

On April 30, 2018, the Court received Petitioner Ulysses Franklin Moore’s Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 (“Petition”). (Pet., ECF No. 1.) Petitioner filed the operative Second Amended Petition (“SAP”) on February 19, 2020. (SAP, ECF No. 47.)

On March 4, 2020, Respondent filed a Motion to Dismiss the SAP (“Motion”). (Mot., ECF No. 48.) Plaintiff’s Opposition to the Motion was due within thirty days after service of the Motion. (ECF No. 46., at 4.)

On June 4, 2020, the Court issued an Order stating that upon search of the California Department of Corrections and Rehabilitation’s Inmate Locator for Petition’s name and inmate number, the Court discovered that Plaintiff had been transferred from his institution of record (“Order”). (Order, ECF No. 50.) The Order explicitly advised Plaintiff that “[t]he Court may deem Petitioner’s failure to respond timely to the Motion as consent to the granting of the Motion and the dismissal of this federal lawsuit. *See* C.D. Cal. L.R. 7-12.” (*Id.*, at 2.) In the interests of justice, the Court *sua sponte* extended Plaintiff’s Opposition deadline to August 3, 2020. (*Id.*)

To date, Plaintiff has not filed an Opposition to the Motion.

Petitioner is **ORDERED TO SHOW CAUSE** by **November 9, 2020** why the Court should not recommend that the lawsuit be dismissed for failure to file an Opposition to the Motion, failure to comply with Court orders, and failure to prosecute. If Petitioner files an Opposition to the Motion

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on or before that date, the Order to Show Cause will be discharged, and no additional action need be taken.

**Petitioner is advised that failure to file an Opposition to the Motion may be construed as consent to the granting of the Motion and will result in a recommendation that the lawsuit be dismissed. See C.D. Cal. L.R. 7-12. Petitioner also is advised that failure to comply with this order will result in a recommendation that the lawsuit be dismissed for failure to prosecute and/or failure to comply with Court orders. See C.D. Cal. L.R. 41-1.**

It is so ordered.

**Time in Court:** 0:00  
**Initials of Preparer:** JM