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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEROME SMITH,

 Petitioner,

 v.

TAMMY FOSS,

 Respondent.

No. 1:21-cv-01395 DAD AC

ORDER

Petitioner is a state prisoner proceeding pro se with a second amended habeas corpus petition filed pursuant to 28 U.S.C. § 2254. On April 8, 2024, respondent filed a motion to dismiss the second amended habeas petition in part. ECF No. 28. Petitioner was granted a 90 day extension of time in which to file an opposition to respondent’s motion. ECF No. 31. That deadline has passed and petitioner has not filed an opposition. The court will sua sponte grant petitioner one last extension of time. Petitioner is advised that the failure to file an opposition or to file a statement of no opposition within the time provided may be deemed a waiver of any opposition to the granting of the motion. See Local Rule 230(l).

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner is granted an extension of twenty-one days from the date of this order in which to file and serve an opposition or statement of no opposition to the pending motion to dismiss.

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2. Respondent may file a reply within 14 days from the date of any opposition to the motion to dismiss.

3. The matter will be deemed submitted on the papers at the expiration of this deadline.

DATED: September 24, 2024



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE