IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK CHANDLER,

Petitioner, No. CIV S-07-1762 GEB DAD P

vs.

S. MOORE, Warden,

Respondent. ORDER TO SHOW CAUSE

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Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 4, 2008, respondent filed a motion to dismiss. Petitioner has not filed an opposition to the motion. Local Rule 78-230(m) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion . . . ."

Good cause appearing, IT IS HEREBY ORDERED that within twenty days of the date of service of this order, petitioner shall file an opposition to respondent's motion to dismiss and show cause in writing why respondent's December 4, 2008 motion to dismiss should not be granted. In the alternative, if petitioner no longer wishes to proceed with this action,

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petitioner may file a request to voluntarily dismiss this action without prejudice. Fed. R. Civ. P. 41(a); see also Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254.

DATED: January 14, 2009.

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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