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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KERRY MARTHELL,

Petitioner,

No. CIV S-08-0798 EFB P

vs.

JOHN MARSHALL, Warden,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. This proceeding is before the undersigned pursuant to the parties’ consent. *See* 28 U.S.C. § 636.

On July 14, 2009, respondent moved to dismiss the petition on the ground that it is barred by the statute of limitations. Petitioner has not filed an opposition or a statement of no opposition.

A party’s failure “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 and may result in the imposition of sanctions.” L. R. 78-230(m). Failure to comply with any order or with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” L. R. 11-110. The court may dismiss this action with or without

1 prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*,
2 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in dismissing *pro se*
3 plaintiff's complaint for failing to obey an order to re-file an amended complaint to comply with
4 Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
5 (dismissal for *pro se* plaintiff's failure to comply with local rule regarding notice of change of
6 address affirmed).

7 Accordingly, it is hereby ORDERED that, within 30 days of the date of this order,
8 petitioner shall file either an opposition to the motion to dismiss or a statement of no opposition.
9 Failure to comply with this order may result in this action being dismissed.

10 Dated: September 4, 2009.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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