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

MICHAEL J. KIMBRELL,

Petitioner,

No. CIV S-08-1044 FCD EFB P

vs.

STEVE MOORE, et al.,

Respondents.

ORDER

_____/

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. On September 4, 2009, respondents filed a motion to dismiss on the ground that petitioner has failed to exhaust his available state remedies. Petitioner has not filed an opposition or a statement of no opposition to respondent’s motion to dismiss.

A responding 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. 230(1). 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. 110. The court may dismiss this action with or without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in

1 dismissing *pro se* plaintiff's complaint for failing to obey an order to re-file an amended
2 complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439,
3 1440-41 (9th Cir. 1988) (dismissal for *pro se* plaintiff's failure to comply with local rule
4 regarding notice of change of address affirmed).

5 Accordingly, it is hereby ORDERED that, within 30 days of the date of this order,
6 petitioner shall file either an opposition to the motion to dismiss or a statement of no opposition.
7 Failure to comply with this order will result in a recommendation that this action be dismissed
8 without prejudice.

9 Dated: December 4, 2009.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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